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EIR RESPONSE TO COMMENTS ADDENDUM

For the Reuse of Naval Air Station Alameda
and the Fleet and Industrial Supply Center,
Alameda Annex and Facility
Alameda, California

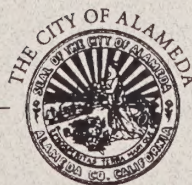
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**ERRATA SHEET
EIR RESPONSE TO COMMENTS ADDENDUM
FOR THE REUSE OF NAVAL AIR STATION ALAMEDA
AND THE FLEET INDUSTRIAL SUPPLY CENTER,
ALAMEDA ANNEX AND FACILITY, ALAMEDA, CALIFORNIA.**

Page 2-2

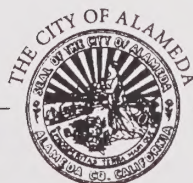
The letter from Alan Waltner, Attorney for Golden Gate Audubon Society is an attachment to the letter from Roy Gorman, Attorney for Golden Gate Audubon Society and is not separately numbered. All Organization and Individual numbers thereafter are off by one number (i.e., Eve Bach is actually C5, not C6, etc.)

EIR RESPONSE TO COMMENTS ADDENDUM

For the Reuse of Naval Air Station Alameda
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Alameda Annex and Facility
Alameda, California

STATE CLEARINGHOUSE # 96022105

MARCH 2000





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1. INTRODUCTION

1.1 PURPOSE OF THE RESPONSE TO COMMENTS ADDENDUM

This Response to Comments Addendum (RTC Addendum) has been prepared in compliance with CEQA to respond to agency and public comments received on the Draft Environmental Impact Report (Draft EIR) for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center Alameda Annex and Facility, Alameda, California (the "project"). The Draft EIR identifies the likely environmental consequences associated with reuse of the Naval Air Station (NAS Alameda) and the Fleet Industrial Supply Center (FISC), Alameda Annex and Facility, and recommends mitigation measures to reduce potentially significant impacts.

This RTC Addendum responds to comments on the Draft EIR, and makes revisions to the Draft EIR as necessary in response to these comments; to correct any errors or omissions in the Draft EIR; or to clarify the discussion in the Draft EIR.

This document, together with the Draft EIR, constitutes the Final EIR for the project.

1.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the Draft EIR.

The Draft EIR was made available for public review on May 21, 1999. The Draft EIR was distributed to local, state and federal responsible agencies and trustee agencies, and the general public was advised of the availability of the Draft EIR through public notice in the Alameda Times-Star and by mail.

The Draft EIR originated as a joint document with the U.S. Navy to fulfill the requirements of both NEPA and CEQA. Subsequently, it was decided that the City, as the lead agency under the California Environmental Quality Act, should prepare an EIR separate from the Environmental Impact Statement (EIS) prepared by the U.S. Navy. The Navy released a separate EIS, which underwent a separate public review process. The notice of availability of the Navy's Final EIS was published in the Federal Register on October 29, 1999, and the Record of Decision is anticipated to be issued in February 2000.

A public hearing was held on June 28, 1999, to receive oral and written comments on the Draft EIR. The CEQA-mandated public comment period on the Draft EIR ended on July 6, 1999.

Copies of all written and oral comments received on the Draft EIR during the comment period are contained in this report.

This RTC Addendum and the Draft EIR will be presented to the Planning Board at a Public Hearing and the Board will consider a recommendation to the City Council regarding certification of the Final EIR. A public hearing will then be scheduled before the City Council at which time the City Council will be presented with the Final EIR for action as to certification. The City Council must certify the Final EIR before making a decision on the Project.

1.3 REPORT ORGANIZATION

This RTC Addendum consists of the following chapters:

- Chapter 1: Introduction. This chapter discusses the use and organization of this RTC Addendum.
- Chapter 2: Comments and Responses. This chapter contains reproductions of the letters received from the public and agencies on the Draft EIR, and summaries of oral comments received on the Draft EIR. A written response for each CEQA-related comment received during the review period is provided. The responses are keyed to the comments by assigned number.
- Chapter 3: Revisions to the Draft EIR. Text changes necessary in light of comments received on the Draft EIR, to clarify any errors or omissions in the Draft EIR, or to correct discussion in the Draft EIR, are contained in this chapter. Text in underline represents language that has been added to the EIR; text with ~~strikeout~~ has been deleted from the EIR.

2. COMMENTS AND RESPONSES

2.1 ORGANIZATION OF COMMENT LETTERS AND RESPONSES

This chapter includes a reproduction of each letter received during the public review period, and a restated summary of oral comments received on the Draft EIR at the meeting before the Planning Board held on June 28, 1999. Comments were received from federal, state, regional and local agencies, and from organizations and private individuals as listed below. (Dates shown below after each listed commentor indicate the date of receipt of the comment by the City of Alameda.)

2.1.1 Federal and State Agencies

- A1. John H. Kennedy, Head, Environmental and Installations Planning, Department of the Navy, Engineering Field Activity, West, Naval Facilities Engineering Command. June 30, 1999.
- A2. Michael Spear, Acting California/Nevada Operations Manager, U.S. Department of the Interior, Fish and Wildlife Service, California/Nevada Operations Office. July 6, 1999.
- A3. R.M. Diehl, Commander, Assistant Chief, Civil Engineering Division, United States Coast Guard, Maintenance and Logistics Command Pacific. July 6, 1999.
- A4. Mary Rose Cassa, R.G., Engineering Geologist, Office of Military Facilities, Department of Toxic Substances Control. July 6, 1999.

2.1.2 Regional and Local Agencies

- B1. John McCallum, Senior Planner, Metropolitan Transportation Commission. July 6, 1999.
- B2. Jean Hart, Deputy Director, Alameda County Congestion Management Agency. June 28, 1999.
- B3. Leslie Gould, Acting Chief of Planning, Community and Economic Development Agency, City of Oakland. July 6, 1999.
- B4. Alameda Unified School District. (Thomas C. Hughes, Kronick, Moskovitz, Tiedemann & Girard). July 6, 1999.
- B5. Richard H. Sinkoff, AICP, Supervisor Environmental Assessment, Environmental Planning Department, Port of Oakland. July 6, 1999.

2.1.3 Organizations and Individuals

- C1. William J. Smith, Vice Chair, Sierra Club Northern Alameda County, San Francisco Bay Chapter. July 2, 1999.
- C2. Renewed Hope, numerous "Petitions Supporting Workforce Housing in Alameda." Received at Public Hearing, June 28, 1999.
- C3. Rev. Dr. Greg Roth/Louis D. Chicoine, Tri-City Homeless Coalition. July 6, 1999.
- C4. Roy Gorman, Attorney for Golden Gate Audubon Society, Law Office of Roy Gorman. July 6, 1999.
- C5. Alan Waltner, Attorney for Golden Gate Audubon Society, Law Offices of Alan C. Waltner. January 26, 1999.
- C6. Eve Bach, Staff Economist/Planner & Ken Kloc, Staff Scientist, Arc Ecology. July 8, 1999.
- C7. Robert M. Mischak, Jr., President, Board of Directors, Marina Village Homeowners Association. July 7, 1999.
- C8. Richard P. Neveln. July 2, 1999.
- C9. Richard P. Neveln. July 7, 1999.
- C10. Jeff Georgevich. July 6, 1999.
- C11. Tony Daysog. July 6, 1999.
- C12. Mark Irons, July 6, 1999.
- C13. Laura R. Thomas. July 6, 1999.
- C14. Kathleen Jensen. June 25, 1999.
- C15. Joan Konrad. June 29, 1999.
- C16. Joan Konrad. June 29, 1999.

Each of the letters listed above is reproduced in its entirety; however, only one sample petition (see Comment C-2) has been reproduced. Each letter is followed by a series of responses to each comment. Each comment and response is labeled with a reference number in the margin. Letters are categorized by commentor, with federal and State agencies first, followed by regional and local agencies, and comments from organizations and private individuals.

2.2 ORGANIZATION OF ORAL COMMENTS AT PLANNING BOARD MEETING

Oral comments were received from individuals at the Planning Board meeting on June 28, 1999 that necessitate response in this RTC Addendum. A written response is provided in this chapter for comments received from the following individuals:

Vickie Smith	Irene Dieter
Patrick Lynch	Richard Neveln
Eric Strimling	William Smith
Tom Matthews	Heather Hefner
Peggy Dougherty	Lester Dickson
Tom Harris	Jeff Georgevich
Jeffrey Keyes	Mary Glass
Mary Sutter	Eve Bach
Steven Gerstle	Ruffino Ramos
Steven DeSantos	Ruth Abbe
Carl Anderson	Cia Sello
Joan Visser	Barbara Bach
Elsbeth Hopkinson	

Oral comments received at the meeting before the Planning Board are summarized and responses are provided at the end of this chapter, following the responses to written comments.

2.3 WRITTEN COMMENT LETTERS AND RESPONSES

All letters commenting on the Draft EIR received during the public review period are provided in their entirety on the following pages. Each letter is followed by responses keyed to the specific comments.



DEPARTMENT OF THE NAVY

ENGINEERING FIELD ACTIVITY, WEST
NAVAL FACILITIES ENGINEERING COMMAND
900 COMMODORE DRIVE
SAN BRUNO, CALIFORNIA 94066-5006

IN REPLY REFER TO:

5090.1B CH-1
7032JH/P9-1764

JUN 29 1999

Ms. Cynthia Eliason
Planning Department
City of Alameda
2263 Santa Clara Avenue, Room 120
Alameda, CA 94501

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JUN 30 1999

SUBJ: NAVY COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
REUSE OF NAVAL AIR STATION ALAMEDA AND THE FLEET AND INDUSTRIAL
SUPPLY CENTER, ALAMEDA ANNEX AND FACILITY, ALAMEDA CALIFORNIA

PLANNING DEPARTMENT
CITY OF ALAMEDA

Thank you for the opportunity to review the City of Alameda's Draft Environmental Impact Report (EIR) for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility (NAS Alameda/FISC Alameda).

The City's Notice of Availability (undated) and the Draft EIR both incorrectly state that the EIR is based on a joint EIS/EIR dated October 1998 prepared by Tetra Tech for the Navy and the City of Alameda. The Draft EIR also indicates that the Navy modified the joint EIS/EIR in March 1999 and provided it to the City for its use as an EIR.

The Final EIR should be revised to clarify that the Navy provided environmental information to the City for its use in preparation of the EIR. As you know, the October 1998 document that the Draft EIR refers to was a working draft that was unavailable to the public and not a joint EIS/EIR as the EIR text implies. In addition, although the Navy provided the City with a copy of the working draft and related environmental information, neither the Navy, nor its consultant, Tetra Tech are responsible for the contents of the City's EIR and should not be listed in Chapter 7 as preparers. The Navy, Tetra Tech and sub-consultant staff would be more appropriately included in Section 6.3 Agencies and Representatives Contacted.

The point of contact for information or clarification of the Navy's comments is Mr. Jerry Hemstock. He can be reached at telephone (650) 244-3023.

Sincerely,

JOHN H. KENNEDY
Head, Environmental and Installations Planning

A1-1

COMMENTOR A1

John H. Kennedy, Head, Environmental and Installations Planning, Department of the Navy, Engineering Field Activity, West, Naval Facilities Engineering Command. June 30, 1999.

- A1-1 The Navy provided the City with a working draft of the EIR/EIS in October of 1998; however, the City relied on the EIS that was published in March 1999. For this reason, the EIR clearly states on page 7-1: "The joint EIS/EIR was subsequently modified by the Navy in March 1999 and provided to the City of Alameda for its use as an EIR. The City and its consultants (LSA Associates, Inc.) have made revisions to the modified version provided to the City by the Navy and the result is this EIR." The modifications made were not significant enough to warrant removing the names of the consultants who prepared the Navy's EIS, as these original authors should be given credit for the work completed on the EIS. The EIR does not in any way imply that the Navy or other entity is the lead agency for the EIR, and the City takes full responsibility for authorship and certification of the document.



United States Department of the Interior

RECEIVED

FISH AND WILDLIFE SERVICE
 CALIFORNIA/NEVADA OPERATIONS OFFICE
 2233 Watt Avenue, Suite 120
 Sacramento, California 95825
 Commercial (916) 979-2034 Fax (916) 979-2056

JUL 06 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

JUN 29 1999

Ms. Cynthia Eliason
 City of Alameda, Planning Department
 2263 Santa Clara Avenue, Room 120
 Alameda, California 94501

Dear Ms. Eliason:

We, the U.S. Fish and Wildlife Service, are submitting the attached comments on the Draft Environmental Impact Report for the Reuse of Naval Air Station Alameda and the Fleet Industrial Supply Center, Alameda Annex and Facility, Alameda, California. The Department of the Interior have previously submitted comments on the Environmental Impact Statement prepared by the U.S. Navy.

We appreciate the opportunity to comment on this EIR. For further information, please contact Ms. Cathy Osugi of the Division of Refuge Planning at (503) 231-6838.

Sincerely,

for Michael Spear
 Acting California/Nevada Operations Manager

Enclosure

cc: Cathy Osugi, FWS Region 1

ENCLOSURE

**Comments on Draft Environmental Impact Report (EIR) for the
Reuse of Naval Air Station Alameda and the FISC,
Alameda Annex and Facility Alameda, California. May 1999.**

ES-5 and Table ES-2. References to 525 acres of Federal agency transfer to the U.S. Fish and Wildlife Service (FWS) should be corrected here and in various other portions of the EIR to 565 acres of dry land and 413 acres of open water, for a total of 978 acres (also see comment below).

A2-1

Page 2-46, second paragraph. Replace the 6 sentences beginning with the fourth sentence on page 2-46 with the following, "Subsequent discussions between FWS, ARRA, and the Navy, led to an agreement in September 1995 on a proposed refuge boundary that would accomplish wildlife refuge goals, including protection of the California least tern. This boundary, which would have the northern boundary within the northern runway, was demarcated on a map. The initial acreage calculation, based on this map, was 525 acres of dry land and 375 acres of submerged land, and the FWS submitted a revised request for this amount of surplus land and water to be transferred for establishment of a refuge. In December 1997 the FWS surveyed the lands within the boundaries and the digitized estimate of area within the proposed Alameda National Wildlife Refuge is 565 acres of land and 413 acres of open water for a total of 978 acres. Transfer of land from the Navy to the FWS is pending. Because FWS concluded that this amount will provide"

A2-2

Page 3-3, Figure 3-1. The reference to the West Beach Landfill area on this figure as "Recreation and Open Space," is misleading, given its history as a landfill for wastes including municipal garbage, construction debris, paints, asbestos, chemicals, etc. It contains contaminants such as PCBs, petroleum, metals, and radium (complete list in Appendix H-2). It should be correctly labeled as a landfill/contaminated area.

A2-3

Page 3-80, Paragraph 3, first sentence and page 3-94, Paragraph 1, last sentence. The Alameda National Wildlife Refuge is not part of the Don Edwards San Francisco Bay National Wildlife Refuge. It is a separate Refuge that will be administered as part of the San Francisco Bay National Wildlife Refuge Complex.

A2-4

Page 3-81, Paragraph 2, 3rd sentence. Incorrectly states that "It is assumed that the FWS will also develop a plan for managing the wildlife resources on the wildlife refuge." The Fish and Wildlife Service issued a draft Environmental Assessment and Comprehensive Conservation Plan for establishment and management of the Alameda National Wildlife Refuge in December 1998. The EIR describes these documents on pages 3-100 and 3-101.

A2-5

Page 3-83, Figure 3-7. Two grassland areas are not depicted. Please compare to Figure 5 of the

A2-6

Fish and Wildlife Service's Draft Comprehensive Conservation Plan (attached).

A2-6

Page 3-86, Paragraph 1. Regarding the use of the West Beach Landfill Wetland by nesting Caspian Terns, include references to more recent surveys from the late 1990s which show the colony to be drastically reduced in size. Fewer than 300 nesting pairs were estimated from 1997, and the terns failed to use this site in 1999. The decline of this colony, as well as possible causes (vegetation encroachment and competition from California gulls) should be discussed.

A2-7

Page 3-88, Paragraph 3. We do not believe there is any documentation of harbor seals pupping on Breakwater Island. We suggest checking with Diane Kopec, because in a personal communication with FWS she indicated that the Breakwater did not provide suitable habitat for pupping.

A2-8

Page 3-89, Paragraph 4, first sentence. Drop feral cats from the list of "typical urban wildlife." They are not considered a wildlife species. Feral and free-roaming cats can be found in all of the habitat types (except open water) and are a serious threat to California least terns wherever they occur, so it seems inappropriate to single them out under the "intensively developed" type.

A2-9

Page 3-96, Paragraph 1, last sentence. We disagree with the conclusion that habitats surrounding the Alameda least tern colony are not land types that typically support predators. NAS Alameda does contain buildings, other human-associated structures, and residential areas, all given as examples of predator-supporting habitat in the previous sentence. This paragraph greatly understates the threat of predation at NAS Alameda. Predation has not taken a serious toll on the tern colony, when viewed over the long term, only because of the Navy's predator management program, electric fencing, and other protective measures. However, the annual tern monitoring reports document many instances of predators taking adults, chicks, and eggs over the years at NAS Alameda. The authors should review these reports and revise the predator discussion to summarize historical predator activity and more accurately portray predation threats.

A2-10

Page 3-180, Paragraph 2, last sentence; Page 3-190, Paragraph 1, last sentence. On May 10, 1999, EPA proposed listing the former NAS Alameda as a federal Superfund site. Explain the basis for the proposed listing and describe the ramifications of the proposal.

A2-11

Page 4-74, Paragraph 3. Add the following sentence after the second sentence: "Outside of the wildlife refuge, the City of Alameda will be responsible for implementing predator management plans in cooperation with the refuge."

A2-12

Page 4-74, Paragraph 3, last sentence. Incorrectly states that "In addition, other specific predator management activities will be included when the FWS develops a plan for managing the wildlife refuge." The Fish and Wildlife Service issued a draft Environmental Assessment and Comprehensive Conservation Plan for establishment and management of the Alameda National Wildlife Refuge in December 1998. The EIR describes these documents on pages 3-100 and 3-

A2-13

101 and these documents should be cited in the References .

| A2-13

Page 4-74, Paragraph 4, first sentence; Page 4-76, paragraph 2, second sentence. The U.S. Fish and Wildlife Service has proposed installing a fence, not a wall.

| A2-14

Page 5-7, Paragraph 2, last sentence. Cites "FWS 1996b," which is not listed in the References. The correct citation is either the Draft Environmental Assessment or Draft Comprehensive Management Plan. Please see the next comment.

| A2-15

Page 5-10, Paragraph 1, Sentence 1. States that "The FWS wildlife refuge could provide additional regional recreational opportunity on-site, depending on the amount of public access permitted under the forthcoming management plan." The Fish and Wildlife Service issued a draft Environmental Assessment and Comprehensive Conservation Plan for establishment and management of the Alameda National Wildlife Refuge in December 1998. The EIR describes these documents on pages 3-100 and 3-101 and these documents should be cited in the References.

| A2-16

Attachment: Figure 5 of the FWS's Draft Comprehensive Conservation Plan

Grasslands not depicted on
Figure 3-7, page 3-83

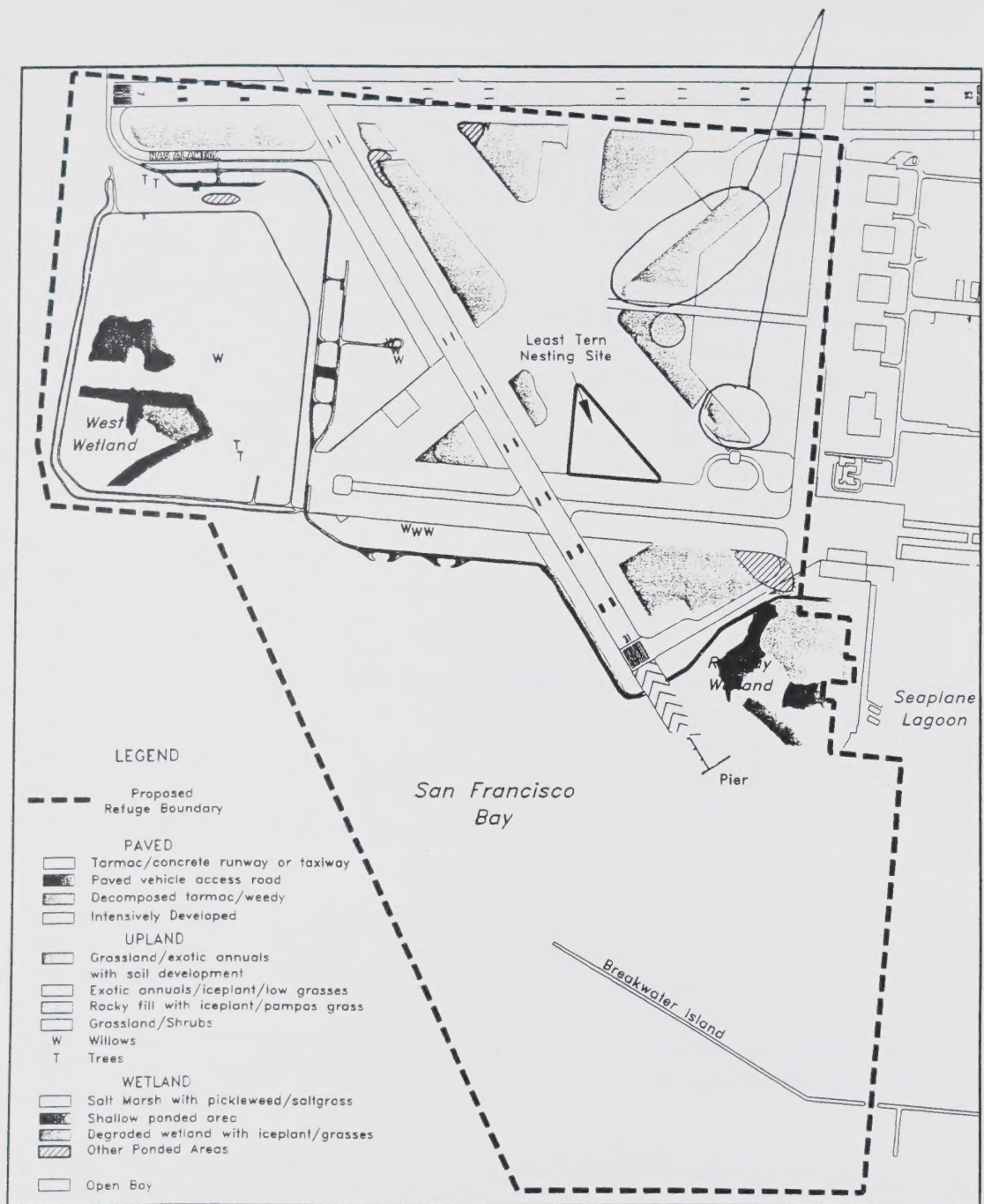
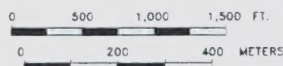


Figure 5.

PROPOSED ALAMEDA NATIONAL WILDLIFE REFUGE
HABITAT AREAS



COMMENTOR A2

Michael Spear, U.S. Department of the Interior, Fish and Wildlife Service,
June 29, 1999.

- A2-1 Footnote 1 to Table ES-2 on page ES-5 addresses the issue of the potential size of the refuge and states: "The figure of 525 acres is based on an estimate taken from a USFWS drawing of the proposed transfer area, and may be revised when more data (e.g., on-the-ground survey) is available. More recent estimates indicate that the size of the refuge would be 565 to 571 acres." See response below for additional detail.
- A2-2 Page 2-46, Paragraph 2 of the EIR has been revised to include the language contained in the letter as follows:

Page 2-46, Paragraph 2: "During the reuse planning process, ...Subsequent discussions between the USFWS, ARRA, and the Navy, led the USFWS to conclude that a wildlife refuge with approximately 5,252 acres (213 ha) of dry land plus 375 acres (152 ha) of submerged land would provide enough acreage to an agreement in September 1995 on a proposed refuge boundary that would accomplish the wildlife refuge goals, including protection of the California least tern. This boundary, which would have a the northern boundary within the northern runway, was demarcated on a map. Subsequently, the USFWS revised its request to 525 acres (213 ha) of runway open space to be dedicated to wildlife refuge uses. The area delineated in the USFWS revised request has not been surveyed and is therefore estimated as approximately 525 acres (213 ha). Transfer of 525 acres (213 ha) of land (along with 375 acres [152 ha] of submerged land) from the Navy to USFWS is pending. The initial calculation, based on this map, was 525 acres of dry land and 375 acres of submerged land. The USFWS submitted a revised request for this amount of surplus land and water to be transferred for establishment of a refuge. In December 1997 the USFWS surveyed the lands within the boundaries more precisely using digital methods. It was determined that the area within the proposed Alameda National Wildlife Refuge is 565 acres of land and 413 acres of open water for a total of 978 acres. Transfer of land from the Navy to the USFWS is pending. Because USFWS concluded that 525 acres (213 ha) this amount would provide adequate habitat for the least tern and revised its request accordingly, further consideration of a 595-acre (241 ha) refuge was eliminated from the EIR alternatives."

A2-3 As stated in the text on page 3-2 and in Figure 3-1 on Page 3-3 of the Draft EIR, the land use designations from the 1987 Navy Master Plan for NAS Alameda are correctly reflected. While the West Beach Landfill Area has historically been used as a landfill for municipal wastes, and may contain various contaminants as a result, the site is correctly labeled "Recreation and Open Space" per the land use designations indicated in the 1987 Master Plan.

A2-4 The text on pages 3-80, Paragraph 3, and 3-94, Paragraph 1, Sentence 4, of the EIR has been revised to clarify that the Alameda National Wildlife Refuge is not part of the Don Edwards San Francisco Bay National Wildlife Refuge, and that it will be administered as part of the San Francisco Bay National Wildlife Refuge Complex.

Page 3-80, Paragraph 3: "Of particular concern to this analysis is the NAS Alameda land that is being transferred to USFWS for use as a wildlife refuge as part of the ~~Don Edwards~~ San Francisco Bay National Wildlife Refuge Complex."

Page 3-94, Paragraph 1, Sentence 4: "The colony was one of the major reasons for the USFWS's request for transfer of a portion of NAS Alameda/FISC Alameda to become part of the ~~Don Edwards~~ San Francisco Bay National Wildlife Refuge Complex."

A2-5 Text on Page 3-81, Paragraph 2, Sentence 3, has been revised to read that the Fish and Wildlife Service has issued a Draft Environmental Assessment and Comprehensive Conservation Plan for establishment and management of the wildlife refuge.

Page 3-81, Paragraph 2, Sentence 3: "~~It is assumed that the USFWS will also develop a plan for managing the wildlife resources on the wildlife refuge.~~ Letters and background information from two previous Section 7 endangered species consultations with the USFWS were reviewed (USFWS, 1988a, 1985b). The USFWS issued a Draft Environmental Assessment and Comprehensive Conservation Plan for establishment and management of the Alameda National Wildlife Refuge in December 1998. The EIR describes these documents on pages 3-100 and 3-101."

A2-6 Figure 3-7 has been revised to include the grassland areas shown in Figure 5 of the USFWS Draft Comprehensive Conservation Plan. The revised graphic is provided in Chapter 3.

A2-7 Page 3-86, Paragraph 1, has been modified, as follows:

“The West Beach Landfill Wetland and the Runway Wetland provide birds with nesting, roosting, and foraging areas in the marsh vegetation, exposed bare ground, and aquatic and mudflat habitats. Caspian terns (*Sterna caspia*) have nested at the West Beach Landfill Wetland. The Caspian tern nesting colony, ~~consisting of up to approximately 1,020 pairs from April to July,~~ is of regional importance because this species nests at only a few other locations in California (Bailey 1994). In addition, at one time the West Beach Landfill Wetland at the USFWS wildlife refuge ~~may~~ contained as much as 75 percent of the central California breeding population of Caspian terns (US Navy 1993d; Bailey 1994). This Caspian tern colony in some years appears to be the largest Caspian tern colony on the West Coast of North America.

The number of Caspian terns nesting at the West Beach Landfill appears to have declined over the past few years. According to the Draft Comprehensive Conservation Plan for the Alameda National Wildlife Refuge (USFWS, 1998a), a maximum of 285 pairs were counted during the 1997 breeding season. In 1999, approximately 100 terns (fewer than 20 pairs) have been observed (Doug Pomeroy, personal communication). The exact cause of this decline is unknown, but maybe associated with harassment by California and western gulls or encroachment by vegetation.”

A2-8 The reference of Kopec 1994 applies only to the second sentence. Young seals have been seen on the breakwater, but it is difficult to tell where a pup is born. The sentence is revised as follows:

Page 3-88, Paragraph 3: “Harbor seals use the tip of Breakwater Island as a haul-out site, ~~and their pups are born and nursed at these sites and they may use it for giving birth to pups~~ (Feeney 1996).”

A2-9 While cats should not be classified as wildlife, they are animals that are present at NAS Alameda. Because they are predators of wildlife, it is important to acknowledge their presence. The first and second sentences describing the intensively developed habitat is revised as follows:

Page 3-89, Paragraph 4, Sentences 1 and 2: “Typical urban wildlife, such as ~~feral cats (*Felis catus*)~~, California ground squirrels, scrub jays, and American robins, may be observed in the intensively developed areas but to a lesser extent than in

the landscaped or developed areas because less foraging habitat is available in these areas. Feral cats (*Felis catus*) are also found in the intensively developed areas and all other terrestrial habitats."

- A2-10 Predation issues are discussed in detail in the Biological Assessment (US Navy 1997e) and in a report describing characteristics of least tern nesting sites (US Navy 1995b); both of these documents have been provided to the USFWS. The tern monitoring reports, including the predation discussions, were reviewed during the preparation of these documents and the Draft EIR. The discussion presented in the Draft EIR is intended to refer to the former airfield area immediately surrounding the tern nesting area and not the entire NAS Alameda/FISC Alameda property. The referenced sentence is revised as follows:

Page 3-97, Paragraph 1, Last Sentence: "While NAS Alameda does include these land types, none of them are immediately adjacent to the least tern colony. Currently, none of the areas at the NAS Alameda that surround the California least tern colony are of these land use types."

- A2-11 Please see the "NPL Site Narrative at Listing" in Appendix H published by USEPA in connection with the May 10, 1999 Federal Register Notice of the proposed listing. This document describes USEPA's rationale for listing NAS Alameda. The notice of final listing was published in the Federal Register on July 22, 1999. As the first step following listing, the Navy and USEPA will execute a Federal Facilities Agreement regarding the process for completing the investigation and remediation of NAS Alameda. The details of the investigation and remediation will continue to be carried out pursuant to CERCLA and the National Contingency Plan, but with more direct involvement by USEPA.

- A2-12 Page 4-74, Paragraph 3 has been revised as suggested.

Page 4-74, Paragraph 3: "*Mitigation 1:* The potential for increased predation on California least terns...The USFWS would be responsible for managing predator control activities and protecting the least tern nesting site within the wildlife refuge. Outside of the wildlife refuge, the City of Alameda will be responsible for implementing predator management plans in cooperation with the refuge. Some predator management activities are described in Section 5.1, Cumulative Impacts."

- A2-13 Page 4-74, Paragraph 3, Last Sentence, has been revised to indicate that the USFWS issued a Draft Environmental Assessment and Comprehensive Conservation Plan for establishment and management of the Alameda National Wildlife Refuge in 1998. A notation has been added to the References. The text has been revised as follows:

Page 4-74, Paragraph 3, Last Sentence: "In addition, other specific predator management activities ~~will be~~ have been included ~~when in the USFWS develops a plan~~ Comprehensive Conservation Plan for managing the wildlife refuge."

Page 8-20: "USFWS, 1998. *Draft Environmental Assessment and Comprehensive Conservation Plan for Establishment and Management of the Alameda National Wildlife Refuge.* December, 1998."

- A2-14 Page 4-74, Paragraph 4, Sentence 1 and Page 4-76, Paragraph 2, Sentence 2 have been revised to indicate that the USFWS has proposed installing a fence, not a wall. The text has been revised as follows:

Page 4-74, Paragraph 4, Sentence 1: "It is assumed in this EIR that upon transfer of the property to be used as a wildlife refuge, the USFWS would install a boundary barrier, such as a fence ~~or wall~~, between the Northwest Territories planning area and the wildlife refuge, to limit authorized human and domestic animal access into the refuge."

Page 4-76, Paragraph 2, Sentence 2: "In addition, it is assumed that upon transfer of the wildlife refuge, the USFWS would install a boundary barrier, such as a fence ~~or wall~~, between the Northwest Territories planning area and the wildlife refuge to limit unauthorized human and domestic animal access into the refuge."

- A2-15 The referenced citation has been removed and replaced with a reference to the Draft Environmental Assessment prepared by the USFWS in December, 1998.

Page 5-7, Paragraph 2, Last Sentence: "Other uses may include compatible wildlife-oriented public uses, environmental education, and compatible economic uses (USFWS ~~1996b~~ Draft Environmental Assessment, December 1998)."

- A2-16 Text on Page 5-10, Paragraph 1, Sentence 1, has been revised to state that the USFWS issued a draft Environmental Assessment and Comprehensive Conservation Plan for Establishment and Management of the Alameda National Wildlife Refuge in December 1998. These

documents have been cited in the References section of the Draft EIR. See Response A2-13.

Page 5-10, Paragraph 1: "The USFWS wildlife refuge could provide additional regional recreational opportunity on-site, depending on the amount of public access permitted under the ~~forthcoming management plan~~Comprehensive Conservation Plan for Establishment and Management of the Alameda National Wildlife Refuge in December 1998."

U.S. Department
of Transportation

United States
Coast Guard



Commander
Maintenance & Logistics
Command Pacific

Coast Guard Island, Bldg 54D
Alameda, CA 94501-5100
Staff Symbol: sc-1
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FAX: (510) 437-5753

RECEIVED

16475
July 06, 1999

Ms. Cynthia Eliason
City of Alameda Planning Department
2263 Santa Clara Avenue, Room 120
Alameda, CA 94501

PLANNING DEPARTMENT
CITY OF ALAMEDA

Subject: *Draft EIR for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility, Alameda, California, May, 1999.*

Dear Ms. Eliason:

The Coast Guard appreciates the opportunity to comment on the subject draft environmental impact report, hereinafter referred to as the DEIR.

It was stated on several pages in the DEIR that the Coast Guard requested a federal property transfer of 69 acres of Navy property containing 582 housing units known as "North Housing" and "Marina Village". The transfer request occurred prior to 1996 legislation that provided for leaseback as an alternative to federal transfer. Ever since Public Law 104-106, Section 2837, made leaseback available, the Coast Guard has pursued leaseback as its preferred alternative. Nevertheless, most of the discussion of Coast Guard housing in the DEIR addresses a federal transfer, that also is depicted on several of the graphics, despite statements in the DEIR that ARRA requested the Coast Guard to use the property under leaseback. The Coast Guard is concerned about contradictory language throughout the DEIR concerning its housing status.

Following are examples and DEIR page numbers for contradictory statements concerning the status of the Coast Guard housing area. (Emphasis added).

- *The ARRA has requested that the USCG acquire use of the property under a leaseback arrangement as provided under DBCRA 1990 (sic) rather than by property transfer.* (See footnote 2). Pages ES-5 & 1-15.
- *The USCG has tentatively agreed and leaseback negotiations are pending.* (See footnote 2). Pages ES-5 & 1-15.
- *The USCG has subsequently indicated an interest in pursuing leaseback of the property in lieu of transfer as allowed by the Defense Authorization Act for Fiscal Year 1996.* Pages ES-5 & 1-14.
- The US Coast Guard (USCG) **requested the transfer of** approximately 69 acres/582 residential units. Pages ES-5, 1-14, 2-18, & 5-7.
- A 69 acre area/parcel is **being transferred to the Coast Guard/USCG.** Pages ES-8, 2-3, 2-7, 3-39, 3-82, 4-1, & 5-1.

A3-1

- *The Navy is transferring land ...to the USCG for family housing.* Page 5-7.
- *...land that is being transferred from the Navy to the...USCG.* Page 2-48.
- *...the area designated for transfer to the Coast Guard...* Page 3-35.
- *The proposed Coast Guard duplex and multifamily housing...* Page 3-24.
- *Area being transferred to USCG is not analyzed as part of this project/the proposed action.* Pages ES-8, 2-7, & 4-1.

A3-1

There are also Tables ES-2, 1-2, and 2-2, as well as plan maps commencing with Figure 2-4, on which a federal transfer to the Coast Guard is indicated.

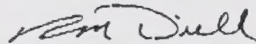
Because the Coast Guard has been pursuing negotiations for its preferred alternative of leaseback of the housing since 1997, we request that the DEIR address the Coast Guard housing status consistently and make it clear that the Coast Guard has every intention of executing a leaseback. This would lead to the requirement for the FEIR to analyze environmental issues related to the housing parcels. A potential environmental issue of concern to the Coast Guard was noted on page 2-18 where it was stated that the Mitchell/Mosley street extension *would pass through proposed USCG property*. For other environmental issues that would be mostly the Navy's responsibility under a leaseback option, please refer to your copy of our letter to the Navy dated June 1, 1999 that commented on the Navy's DEIS.

A3-2

On page 10-2 the DEIR listed LCDR Rod Smith as the USCG point of contact. Please change this to Mr. Rob Van de Loo for real property issues, and to Ms. Carol Meyer for EIR issues. Ms. Meyer can be reached at (510) 437-3511.

A3-3

Sincerely,



R. M. Diehl, Commander
Assistant Chief, Civil Engineering Division
United States Coast Guard
Maintenance and Logistics Command Pacific

Copy to: Ms. Dina Tasini, Environmental Manager, City of Alameda
Mr. Jerry Hemstock, Code 703JH, Engineering Field Activity West, Naval Facilities
Engineering Command
Commanding Officer, Coast Guard Integrated Support Command Alameda
Commanding Officer, Coast Guard Civil Engineering Unit Oakland

COMMENTOR A3

R.M. Diehl, Commander, Assistant Chief, Civil Engineering Division,
United States Coast Guard. July 6, 1999.

- A3-1 Text on pages ES-5, ES-8, 1-14, 1-15, 2-3, 2-7, 2-18, 2-48, 3-35, 3-39, 3-82, 4-1, 5-1 and 5-7 of the Draft EIR, has been revised to indicate the USCG's intent to pursue leaseback, rather than federal property transfer, of the 69-acre "North Housing" and "Marina Village" areas. The language in the EIR has been revised for the sake of consistency; however, for the purposes of the program-level analysis contained in the EIR, impacts under a leaseback arrangement would be the same as under a federal-to-federal transfer as discussed above. Textual revisions have been made as follows:

Page ES-5, Table ES-2: Footnote 2 has been revised to read:
"The ARRA has requested that the USCG acquire use of the property under a leaseback arrangement, as provided under DBCRA 1990, rather than by property transfer. The USCG has ~~tentatively agreed and been pursuing leaseback as its preferred alternative since 1997, and leaseback~~ negotiations are pending."

Page ES-5, Paragraph 1, Sentence 3: "The USCG has subsequently ~~indicated an interest in pursuing~~ decided to pursue leaseback of the property in lieu of transfer as allowed by the Defense Authorization Act for Fiscal Year 1996."

Page ES-8, Paragraph 4, Sentence 3: "In addition, a 69-acre (29 ha) area, described as part of the Main Street Neighborhoods planning area, is either being transferred to the USCG or leased back by the City to the USCG ~~and is not analyzed as part of this project.~~"

Page 1-14, Section 1.3.2. The following text is added between the third and fourth paragraphs of this section: "In comments on the Draft EIR, the United States Coast Guard (USCG) indicated that it is pursuing leaseback of the 69-acre area in the Main Street Neighborhoods that currently contains 582 housing units known as North Housing and Marina Village as well as Estuary Park. Under a leaseback, the property would be transferred by the Navy to the City, rather than from the Navy to the USCG in the form of a federal-to-federal transfer as originally requested. The City would then enter into a 50-year term lease with the USCG. No change in use is proposed for the property under either scenario."

The environmental impacts of the alternatives analyzed in the Draft EIR would be unchanged regardless of the form of transfer because no change in the type, density or intensity of use is proposed for the 69-acre property. The existing level of use has been accounted for in the Draft EIR analyses. For example, all traffic and air emissions produced by the existing uses, which would remain unchanged, were included in the cumulative context for purposes of determining impacts. Similarly, population-dependent analyses, such as impacts on schools, take account of the existing demands (e.g., school enrollment) due to the existing population occupying the 69-acre area.

It is the City's understanding that the Navy and USCG will mutually determine the form of transfer prior to the time that the Navy executes the NEPA Record of Decision for the transfer and reuse."

Page 1-15, Table 1-2, Footnote 2: "The ARRA has requested that the USCG acquire use of the property under a leaseback arrangement, as provided under DBCRA 1990, rather than by property transfer. The USCG has ~~tentatively agreed and been pursuing leaseback as its preferred alternative since 1997,~~ leaseback negotiations are pending."

Page 2-3, Paragraph 4, Sentence 3: "Federal land transfers include approximately 525 acres (213 ha) of dry land and 375 acres (152 ha) of submerged land, which is being transferred to the USFWS for use as a wildlife refuge, ~~and~~ An approximately 69-acre (28 ha) parcel including 582 housing units, ~~which is being transferred or leased back to the USCG for use as housing.~~"

Page 2-7, Paragraph 2, Sentence 3: "A 69-acre (28 ha) area, described as part of the Main Street Neighborhoods planning area in the Reuse Plan, is either being transferred to the USCG or leased back by the City to the USCG ~~and is not analyzed as part of this project.~~"

Page 2-18, Paragraph 2: "The USCG is pursuing leaseback ~~has requested transfer~~ of approximately 69 acres (28 ha) of land including 582 family housing units in the adjacent North Housing and Marina Village housing developments for use by Coast Guard families."

Page 2-18, Paragraph 3, Sentence 2: "These facilities are

surrounded by the USCG housing area but are not part of the USCG ~~transfer~~ leaseback request.”

Page 2-48, Paragraph 4: “Reuse impacts from land that is either being transferred from the Navy or leased back from the City to by the USFWS and the USCG Coast Guard are considered to be cumulative impacts and are therefore discussed in Section 5.1, Cumulative Impacts, and are not identified in Table 2-7.”

Page 3-35, Paragraph 1, Sentence 3: “Of the family housing, 300 townhomes were constructed in 1991 in the area designated for transfer or leaseback to the Coast Guard; these 1- to 3-story duplexes are in excellent condition.”

Page 3-39, Paragraph 6: “The only school on the NAS Alameda/FISC Alameda site is George Miller Elementary, located in the midst of the housing area that ~~is being transferred~~ will probably be leased back to the USCG.”

Page 4-1, Paragraph 2, Last Sentence: “Impacts resulting from reuse of land being transferred to the USFWS ~~and the USCG~~ are addressed in Section 5.1, Cumulative Impacts. The effects of transfer or leaseback to the USCG of 69 acres (28 ha) of land in the Main Street Neighborhoods planning area of the Reuse Plan also is reflected in the cumulative impacts analysis. Either form of transfer would result in the same project impacts (none) inasmuch as no change in use is proposed for that property. Hence, the existing use of the 69 acres is included in the cumulative context for the reuse project for purposes of determining impacts.”

Page 5-1, Paragraph 3, Last Sentence: “Local projects include the proposed uses on property at NAS Alameda/FISC Alameda that is being transferred to the USFWS and either transferred or leased to the USCG.”

Page 5-7, Paragraph 3: “The USCG ~~has requested transfer is~~ pursuing leaseback of 582 residential units in a 69-acre (28 ha) area within the North Housing/Marina Village area of NAS Alameda to support its need for family housing.”

Figures 2-4, 2-5, 2-6 and 2-7 of the Draft EIR have also been revised to eliminate the federal transfer designation from the proposed USCG Housing Area. The revised figures are provided in Chapter 3. Note that this change shall also apply to all the graphic excerpts included on pages 2-17 and 2-21 of the EIR that are contained in Chapter 2 (amendments to graphic excerpts are not shown).

- A3-2 The alignment of Mitchell-Mosley Extension is conceptual in nature. Discussions about the alignment have occurred with USCG staff, but no definitive alignment has been proposed. The text on page 2-18 has been modified as follows:

Page 2-18, Paragraph 4, Sentence 2: "This traffic improvement ~~may would~~ pass through proposed USCG property, the Main Street Neighborhoods planning area and City of Alameda land. It is anticipated that the alignment will avoid any existing housing."

- A3-3 Page 10-2 of the Distribution List has been modified to show Mr. Rob Van de Loo as the contact for real property issues, and Ms. Carol Myer as the contact for EIR issues. Mr. Rod Smith has been deleted from the list.

US Coast Guard	MLCP(s)	LCDR	Red	Smith
US Coast Guard	MLCP(s)	Environmental Engineer	Carol	Meyer
US Coast Guard	MLCP(s)	LCDR	Rob	Van de Loo



Winston H. Hickox
Secretary for
Environmental
Protection

Department of Toxic Substances Control

Edwin F. Lowry, Director
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721



Gray Davis
Governor

July 6, 1999

City of Alameda
Ms. Cynthia Eliason
Planning Department
2263 Santa Clara Avenue, Room 120
Alameda, CA 94501

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE REUSE OF NAVAL
AIR STATION ALAMEDA, AND THE FLEET AND INDUSTRIAL SUPPLY
CENTER, ALAMEDA ANNEX AND FACILITY, ALAMEDA, CALIFORNIA
(SCH#96022105A)**

Dear Ms. Eliason:

The Department of Toxic Substances Control (DTSC) has reviewed the Draft Environmental Impact Report (EIR) for the Reuse of Naval Air Station Alameda, and the Fleet and Industrial Supply Center, Alameda Annex and Facility, dated May 1999.

Hazardous waste issues are thoroughly discussed in the EIR; however, several items need correcting or updating. Specific comments are enclosed. Please contact me at 510-540-3767 if you have any questions regarding this letter.

Sincerely,

Mary Rose Cassa, R.G.
Engineering Geologist
Office of Military Facilities

enclosure

cc: see next page

California Environmental Protection Agency
♻️ Printed on Recycled Paper

Ms. Cynthia Eliason
July 6, 1999
Page 2

cc: Mr. Steve Edde
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Mr. Phillip Ramsey (SFD-8-2)
Mr. James Ricks (SFD-8-2)
Lynn Suer, Ph.D. (SFD-8-2)
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Oakland, CA 94612

Ms. Elizabeth Johnson
Mr. Jeff Bond
Alameda Reuse and Redevelopment Authority
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Alameda, CA 94501

Ms. Jo-Lynne Lee
Community Co-Chair
Naval Air Station Alameda Restoration Advisory Board
2866 Santa Clara Ave.
Alameda, CA 94501

Ms. Cynthia Eliason

July 6, 1999

Page 3

Mr. Ken Hansen

Community Co-Chair

FISC Alameda Facility and Annex Restoration Advisory Board

327 Clay Street

Oakland, CA 94607

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL COMMENTS
DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE REUSE OF NAVAL AIR
STATION ALAMEDA, AND THE FLEET AND INDUSTRIAL SUPPLY CENTER,
ALAMEDA ANNEX AND FACILITY, ALAMEDA, CALIFORNIA**

General Comments

1. Intended reuse: The proposed Marina area of NAS Alameda is not clearly indicated in the text, tables or figures as intended for mixed use; yet industrial, commercial, and residential uses are indicated. Only the Inner Harbor and Northwest Territories lack a residential component in the Reuse Plan alternative; only the Northwest Territories lacks a residential component in the Seaport alternative and Reduced Density alternative; all areas include a residential component in the Residential alternative. For areas where soil and groundwater contamination exist and residential (or mixed) reuse is intended, cleanup must be consistent with residential exposure scenarios. Remediation must be suitable for unrestricted use or suitable for residential use with certain restrictions. Various cleanup levels may be considered in the Feasibility Study as part of the Installation Restoration Program. **A4-1**

2. Lead: It is DTSC's position that contamination of soil resulting from lead-based paint constitutes a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) release. To transfer such property and satisfy the requirements under section 120(h)(3) of CERCLA that "all remedial action necessary to protect human health and the environment has been taken," the potential for soil contamination from lead-based paint must be evaluated and necessary remedial actions taken. In June 1999 DTSC completed a reconnaissance survey of impacts to soil from lead-based paint on buildings not used for family housing in the "Civic Core" and "Main Street Neighborhoods" areas of NAS Alameda. These results, along with results obtained by the Navy for family housing, indicate that soil surrounding stucco-sided buildings are not significantly impacted by lead-based paint. DTSC has requested that the Navy conduct further evaluation of wood-sided buildings and steel structures in these areas to assess impacts from lead-based paint to the soil. **A4-2**

3. Utilities: Consideration should be given to mitigating impacts from existing or residual hazardous waste by creating "clean" utility corridors in contaminated areas so that utility construction and maintenance can be accomplished with minimum impacts. **A4-3**

Specific Comments

1. Figure 2-3, Buildings Proposed for Demolition: Buildings in the East Housing area are not designated as proposed for demolition, but DTSC staff have heard about plans to demolish the buildings. Please clarify or correct. **A4-4**

2. Figure 3-1, Land Use, NAS Alameda and FISC Alameda: The West Beach Landfill **A4-5**

- (NAS IR Site 2) is shown as recreation and open space on this figure. The figure should be revised to show this area as a former landfill. | **A4-5**
3. Section 3.9.3, Dredging (page 3-128): The text states, "the seaplane lagoon was dredged in the 1940s . . . There has been no dredging of the seaplane lagoon in the recent past." This appears to contradict information regarding disposal of 21,000 cubic yards of dredge material from the seaplane lagoon at West Beach Landfill in 1981. | **A4-6**
4. Section 3.13, Hazardous Materials and Waste (page 3-178): Radium should be included in paragraph 4 in the list of materials used. | **A4-7**
5. Section 3.13.3, Hazardous Waste Management (page 3-185): Please cite the reference confirming deletion of Structure 598 from the Part B permit. Please also cite the appropriate references regarding the IWTs at Buildings 5 and 24. | **A4-8**
6. Section 3.13.3, Hazardous Waste Management (page 3-186): The FISC Alameda Building 5 RCRA closure was approved by DTSC June 9, 1999. | **A4-9**
7. Figure 3-21, NAS Alameda IRP Sites: The NAS Alameda property boundary appears to exclude NAS property east of Main Street and south of the runways. Please verify. | **A4-10**
8. Figure 3-22, FISC Alameda IRP Sites: This figure may give a false impression that IR03 impacts NAS Alameda. The soil contamination was shown to be fairly limited. | **A4-11**
9. Section 3.13.4, Installation Restoration Program (page 3-192 ff., NAS Alameda IRP Sites): | **A4-12**
- a. Site 14 has been moved from OU3 to OU2.
 - b. DTSC has discouraged consideration of a presumptive remedy for OU3, preferring instead a focussed approach to remediation of soil and groundwater contamination to render the site suitable for the intended reuse. The remedy could likely include the presumptive remedy components of capping and containment, but might also include active remediation of contaminated groundwater.
 - c. The text states that the remedy for IR Site 1 was proposed in 1997. The formal process for proposing a remedy begins with the FS which was issued as a draft document for review and comment in April 1999.
 - d. Please note that radiological removal action activities and ordnance removal in IR Sites 1 and 2 took place in 1998-99.
 - e. A treatability study to evaluate steam enhanced extraction of chlorinated hydrocarbons is underway at IR Site 5.
 - f. A radiological removal action was implemented at Building 5 (IR Site 5) and Building 400 (IR Site 10) in 1998-99 and is still ongoing.
 - g. Please delete the sentence from the discussions of IR Sites 6, 11, and 12 regarding conclusions from the Phase II EBS. Conclusions about risks from site contaminants are based on the RI report.
 - h. In 1999 petroleum hydrocarbons were documented in the storm drain system at IR

- | | |
|---|---------------------|
| <p>Site 7. The Navy implemented measures under the direction of the RWQCB to address this direct pathway to San Francisco Bay.</p> <p>i. The Draft OU2 RI report was released June 29, 1999; this could delay completion of the RI beyond August 1999.</p> | <p>A4-12</p> |
| <p>10. Section 3.13.10, Radiological: The radiological removal action at Sites 1, 2, 5, and 10 at NAS Alameda was implemented in 1998 pursuant to the Remedial Action Plan prepared by the Navy (August 1998). The presence of more contamination than originally estimated may require modification of the RAP. Mixed waste has been generated as a result of commingled petroleum and radioactive wastes.</p> | <p>A4-13</p> |
| <p>11. Section 3.13.14, Marsh Crust/Subtidal Zone: Please include the ongoing development of the combined FS for Marsh Crust and Groundwater at FISCO Alameda Annex/Alameda Facility and for Marsh Crust and the Former Subtidal Areas at Alameda Point.</p> | <p>A4-14</p> |
| <p>12. Section 4.13, (Environmental consequences of) Hazardous Materials and Waste (page 4-202): Please note that dewatering (or other changes in groundwater gradient) could change the distribution of groundwater contamination, resulting in unforeseen impacts at any given site.</p> | <p>A4-15</p> |
| <p>13. Distribution: Please delete Susan Jun, Chein Kao, Theresa McGarry, and Diana Peebler from the distribution for California Environmental Protection Agency. Please replace with Mary Rose Cassa, Department of Toxic Substances Control, Office of Military Facilities.</p> | <p>A4-16</p> |

COMMENTOR A4

Mary Rose Cassa, R.G., Engineering Geologist, Office of Military Facilities,
Department of Toxic Substances Control. July 6, 1999.

- A4-1 Comment noted. Please refer to Draft EIR Table 2-3, Figure 2-4 and pages 2-23 and 2-24 regarding the proposed land uses for the site.
- A4-2 Comment noted.
- A4-3 Property identified as an IRP site or petroleum site will not be reused until remediated or otherwise determined to be adequately protective of human health and the environment for the intended use, including utilities to support reuse plans. For portions of the site where the only known hazardous materials exposure would be to the marsh crust/subtidal zone, the City will be considering adoption of an excavation ordinance to restrict digging below a specified depth without obtaining a permit. Deed restrictions would be recorded restricting digging as well. For other areas of the site where no health risk has been identified, the risk of encountering unidentified hazardous materials would be mitigated by implementation of the measures identified in Mitigation 2, in particular preparation of site-specific health and safety plans.
- A4-4 Although it is anticipated that the units located in the East Housing area will be demolished, the final determination of whether the units at East Housing will be demolished will be considered as part of the City's project specific review for this portion of the site. (The City is currently reviewing a specific proposal that does propose demolition of the units.)
- A4-5 While the West Beach landfill (NAS IR Site 2) was a landfill, it is presently functioning as a wetland open space habitat, particularly for Caspian Terns. Please see Figure 3-7 and discussion of wetlands on pages 3-85 and 3-86. Also see Response A2-3.
- A4-6 The seaplane lagoon was dredged in 1981. The text on page 3-128 has been amended as follows:

Page 3-128, Paragraph 6: "The seaplane lagoon was dredged to 15 feet (5 m) below NGVD in the 1940s (US Navy 1938d). ~~There has been no dredging of the seaplane lagoon in the recent past.~~ A portion of the lagoon was also dredged in 1981, when the Navy sought to increase its depth for the purposes of diver training. Approximately 21,000 cubic yards were removed and placed at the Site 2 landfill."

- A4-7 Text in Paragraph 4, Page 3-178 is amended to add radium in the list of materials used at NAS Alameda as follows:

Page 3-178, Paragraph 4, Sentence 2: "Fuels, lubricants, paints, solvents, metal plating, solutions, alkaline cleaning compounds, radium, and other industrial chemicals, as well as ordnance, have been used throughout much of the history of NAS Alameda (US Navy 1995a)."

- A4-8 Text on page 3-185 is amended to cite the references requested by the Commentor.

Page 3-185, Paragraph 2, Last Sentence: "The tank storage area at Structure 598 was deleted from Part B permit in 1996 because hazardous wastes were never stored at this unit (1998 Draft Base Realignment and Closure Report (BCP) for Structure 598 and IWTPs 5 and 24) (Letter from Bernie Edrada, DTSC, September, 26, 1995)."

- A4-9 Text on page 3-186 has been amended to reflect the closure of FISC Alameda Building 5.

Page 3-186, Paragraph 3, Sentence 4: "A closure plan for Building 5 was submitted and approved by DTSC; final closure was ~~completed~~ approved in February on June 9, 1999."

- A4-10 The NAS Alameda property boundary depicted in Figure 3-21 excludes the property to be transferred directly from the Navy to the USFWS, and only includes the property to be transferred to the City and which may be transferred or leased back by the USCG.

- A4-11 Comment noted.

- A4-12 a. Text on Page 3-197 has been revised to reflect the fact the Site 14 has been moved from OU3 to OU2.

Page 3-197, Paragraph 2: "IRP Site 14 – Fire Training Area. IRP Site 14 is along the northern margin of the property, north of runway 7-25, ~~and is included in OU3. Originally included in OU3, Site 14 was moved to OU2.~~ ...A draft data summary report that ~~will~~ includes contaminant contour figures is ~~scheduled for submittal~~ was submitted in mid-1999. The final OU RI report associated with IRP Site 14 is expected to be released in ~~August 1999~~ March 2000."

b through i. Text on pages 3-192 through 3-196 will be amended to reflect the changes suggested by the Commentor.

Page 3-192, Paragraph 3: "Operable Unit 3. OU3 consists of the soil and groundwater at IRP Site 1 (the 1943-1956 Disposal Area) and IRP Site 14 (the Fire Training Area). The sites are is geographically isolated from other IRP sites. A presumptive remedy of capping and containment has been evaluated for the landfill. However, DTSC has discouraged consideration of such a remedy, preferring instead to pursue a focused approach to remediation of soil and groundwater contamination to render the site suitable for the intended reuse. Innovative treatment technologies are currently being tested to capture, contain, and treat contaminated groundwater that may migrate to San Francisco Bay at Site 1. Feasible remedies could likely include the presumptive remedy components of capping and containment, or active remediation of contaminated groundwater.

Page 3-193, Paragraph 5, Sentence 2: "A treatability study was initiated and a radiological investigation was completed in 1997 at IRP sites 1 and 2 as part of the 1997 RI. The treatability study is was completed scheduled for completion in March 1999. In addition, a presumptive remedy of capping and containment was recommended for IRP Site 1 landfill in 1997 as well April 1999 with issuance of the draft FS for review and comment. The final OU RI reports associated with IRP Sites 1 and the draft OU RI report associated with Site 2 are were both expected to be released in early 2000. June and August 1999, respectively. Radiological removal action activities and ordnance removal in IR Sites 1 and 2 took place in 1998-99. The UXO Survey Report for Sites 1 and 2 has been completed. Additionally, UXO will be assessed in the OU3 FS."

Page 3-194, Paragraph 4, Sentence 2: "Site 5 also has #Radioactive contamination in the underground drains resulting from the former painting of radium instruments in buildings on-site was also found in the underground drains at Site 5. A radiological removal action was implemented at Building 5 (IR Site 5) and Building 400 (IR Site 10) in 1998-99 and is still ongoing."

Page 3-194, Paragraph 5, Sentence 3: "A treatability study was initiated at IRP Site 4 in 1997 and a radiological investigation was completed at IRP Site 5 in 1997 as part of the 1997 RI. A treatability study to evaluate steam enhanced extraction of chlorinated hydrocarbons is currently underway at IR Site 5. The Navy is also planning to conduct a second treatability

study at IRP Site 5 involving surfactant-enhanced removal of chlorinated solvents from the contaminated fill.”

Page 3-194, Paragraph 7: ~~“The phase II EBS investigation has found that the contaminant concentrations are below the levels at which they would pose an unacceptable risk to human health or the environment. The OU RI report was completed in February 1999.”~~

Page 3-195, Paragraph 1, Last Sentence: “PAHs and petroleum hydrocarbons have been detected in soil at the site and aromatic VOCs (including BTEX compounds) have been observed in the ground water. In addition, petroleum hydrocarbons were documented in the storm drain system at IR Site 7 in 1999. The Navy implemented measures under the direction of the RWQCB to address this direct pathway to San Francisco Bay.”

Page 3-196, Paragraph 4, Last Sentence: ~~“The phase II EBS investigation has found that the contaminant concentrations are below the levels at which they would pose an unacceptable risk to human health or the environment. The final OU RI report associated with IRP Site 11 is expected to be released in August 1999 has been delayed.”~~

Page 3-196, Paragraph 5, Sentence 3: “Groundwater on-site has been found to contain several VOCs and SVOCs. Conclusions about risks from such contaminants will be based on the final OU RI report associated with IRP Site 12; however, the phase II EBS investigation has found that the contaminant concentrations are below the levels at which they would pose an unacceptable risk to human health or the environment.”

Page 3-216, Paragraph 1, Sentence 3: “Because..., IRP Site 1 and IRP Site 2, ~~has been scheduled to be~~ was carried out and completed in May during April through July 1999 when the RI report for OU3 was issued.”

- A4-13 The text on page 3-214 of the Draft EIR has been amended as follows to reflect the changes suggested by the Commentor:

Page 3-214, Paragraph 3: ~~“Mixed waste (waste that is both hazardous and contaminated with low level radioactivity) may exist in the landfill areas at IRP Sites 1 and 2, where disposal of radium contaminated rags from the former dial painting shop has occurred. IRP Site 1 is located in Planning Area 6 in an area designated for golf course and open space use. The~~

radiological removal action at Sites 1, 2, 5, and 10 at NAS Alameda was implemented in 1998 pursuant to the Remedial Action Plan prepared by the Navy (August 1998). The presence of more contamination than originally estimated may require modification of the RAP. Mixed waste has been generated as a result of commingled petroleum and radioactive wastes. Base closure may generate an additional small quantity of mixed waste."

- A4-14 The text on page 3-217 has been amended to state that the combined FS for the marsh crust/subtidal zone basewide and for the groundwater at FISC Alameda is scheduled to be issued in early 2000. The following paragraph is added to the end of Section 3.13.14:

Page 3-217: "The draft final FS is undergoing Navy review. The Navy is currently awaiting human health risk assessment information, which is to be included as an appendix to the document. Upon receipt of the HHRA and completion of the Navy's internal review, the FS will be updated and issued as a draft final to the regulatory agencies. Upon completion of regulatory review, the FS will be revised as appropriate and issued as a final document."

- A4-15 No permanent or long-term dewatering is anticipated at the site. Any dewatering that is performed would occur in conjunction with a construction project and would be for a relatively brief period of time. Although the distribution of chemicals in groundwater may be altered by dewatering activity, this would be a temporary phenomenon and would be unlikely to cause permanent or persistent changes. Once dewatering is discontinued, the pre-dewatering groundwater plume pattern would tend to re-establish. No mitigation is required.
- A4-16 Page 10-5 of the Distribution List has been modified to show Mary Rose Cassa as the contact for the Department of Toxic Substances Control. As shown below, Susan Jun, Chein Kao, Theresa McGarry and Diana Peebler are all removed as contacts.

CA Environmental Protection Agency	Dept. of Toxic Substances Control	Ms.	<u>Mary Rose</u> Susan	<u>Cassa</u> Jun
CA Environmental Protection Agency	Dept. of Toxic Substances Control, Office of Military Facilities	Mr.	Chein	Kao
CA Environmental Protection Agency	Dept. of Toxic Substances Control, Site Mitigation Program		Theresa	McGarry
CA Environmental Protection Agency	Office of Military Facilities Reuse Rep.	Ms.	Diana	Peebler



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July 1, 1999

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Sharon Wright
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and Housing Agency

Lawrence D. Dahms
Executive Director

Steve Henning
Deputy Executive Director

City of Alameda
2263 Santa Clara Avenue, Room 120
Alameda, CA 94501

Attn: Ms Cynthia Eliason

RE: Draft EIR for the Reuse of the Naval Air Station, Alameda

Dear Ms Eliason:

This letter contains Metropolitan Transportation Commission (MTC) staff comments on the transportation system impact analysis in the Draft EIR. The EIR evaluates future uses of the 2,676 acre NAS Alameda and adjacent FISC site, including the Alameda Community Reuse Plan, and the Seaport, Residential, Reduced Density and No Action alternatives.

1. Trip Generation: On page 4-126, the Draft EIR states "Trip generation rates were developed based on standards developed by the Institute of Traffic Engineers and San Diego Association of Governments". ITE standards provide a range of trips for various land uses. The Final EIR should include a table that quantifies the trip generation rate for each land use category used in the EIR.
2. Trip Distribution: The basis for trip distribution and mode split isn't clear. The EIR indicates that in the AM, 14% of the trips stay within the project, 57% use the Webster/Posey tubes (SR 260), and the remaining 17% travel east of Webster (SR 61) on surface streets. If the trip distribution is based on the CMA model, does that model reflect the proposed land uses, or the former use as the Naval Air Station?
3. Regional Facilities - Test of Significance: The discussion of significance criteria seems contradictory. The EIR states that if a freeway segment would be at LOS F without reuse, then an increase in volume of 3% as a result of reuse is the test of significance. Later on page 4-123, the EIR states that if a freeway segment was at LOS F in 1991, then the segment "...is excluded from conformance with the CMA LOS standards", and lists 6 segments that are excluded. This standard seems to apply to deficiency plans, but should not be used as a CEQA test of significance. All 6 excluded segments should be addressed in the analysis of each land use

B1-1

B1-2

B1-3

alternative. The table for each alternative (i.e., tables 4-20, 4-23, 4-25, and 4-27) should define the direction of the various freeway segments (i.e., is "I-80, I-580 to north of Berkeley" eastbound or westbound? In the Final EIS, both segments should be included).

B1-3

4. Regional Facilities - Impact Analysis: The land use alternatives will generate more jobs than workers, ranging from 18, 978 jobs and 2,378 housing units under the "Reuse Plan" alternative to 6,918 jobs and 5,453 housing units under the "Residential" alternative. Table 4-20 (Reuse Plan alternative) shows northbound on Route 260, from Alameda to Oakland through the Posey Tube, the pm v/c ratio goes from 0.84 without reuse to 1.17 with reuse. The EIR describes a mitigation measure that would impose a cap on development when the cumulative impact of development would exceed the capacity of the tube. First, this mitigation measure should be applied to, and triggered by, the exceedence of capacity of any freeway or state highway (including the 'excluded' segments listed on page 4-123). Second, the only alternative analyzed in the EIR that does not exceed the capacity of the Posey Tube is the "Reduced Density" alternative, but that alternative causes a deterioration of the v/c ratio on I-880 of greater than 3%. The EIR should analyze an alternative that can be built out without exceeding the capacity of the freeway system. It isn't clear if the alternative presented in Table 4-21 meets that standard.

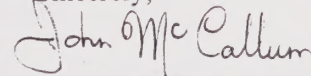
B1-4

5. Mitigation Measures: The EIR forecasts significant adverse impacts at seven local intersections, and proposes a variety of mitigation measures to reduce those impacts to a nonsignificant level. The mitigation measures range from a new bridge or tunnel over the Estuary to intersection widening and channelization. The feasibility of these mitigations, given realistic constraints on funding and limited rights of way, should be addressed in the Final EIR. Measures deemed infeasible should not be included in the Final EIR.

B1-5

Thank you for the opportunity to comment on the Draft EIR. We are looking forward to receiving the Final EIR.

Sincerely,



John McCallum
Senior Planner

cc: Commissioner Appezzato
Commissioner King
ABAG Clearinghouse

COMMENTOR B1

John McCallum, Senior Planner, Metropolitan Transportation Commission.
July 1, 1999.

- B1-1 The trip generation rates used for the various land use categories are shown in Table F-12 in Chapter 4 of this document.
- B1-2 The trip distribution is designated on Figure 4-3 and reflects the CMA model distribution. The distribution was adjusted to reflect proposed land uses.
- B1-3 The Traffic and Circulation Appendix F includes detailed information on each segment by direction and alternative including the six segments identified as “excluded” from conforming with CMA LOS standards. The appendix includes the changes in traffic volumes, volume-to-capacity ratios and levels of service. The tables cited in the comment (4-20, 4-23, 4-25 and 4-27) have been revised to include a direction for each segment. The revised tables are included in Chapter 3 of this document.
- B1-4 The traffic cap for cumulative impact is triggered by the Webster and Posey Tubes which have a direct and measurable link to the project. The proposal to link the cap to the interstate freeway system is infeasible due to the dilution of the project’s impacts on that system. The Reduced Density Alternative is presented on pages 4-155 and 4-161 and includes a TSM program which mitigates this alternative’s impacts on freeway segments to a less-than-significant level. Table 4-21 is an Illustrative Development Scenario, and not an alternative, which demonstrates just one possible development scenario of many which would not exceed the capacity of the Tubes. Hence, the development cap is a feasible mitigation measure.
- B1-5 As stated in the comment, the Draft EIR has identified significant impacts at seven intersections. Mitigation proposed to reduce the level of impact at these seven intersections is presented in Mitigation Measures 1a through 1g. These mitigation measures are identified roadway improvements that can be undertaken at each intersection through intersection widening and channelization and are feasible. With regard to funding, the City of Alameda collects traffic impact fees on a case-by-case basis for approved development, which are allocated to its Capital Improvement Program (CIP). [In addition, during project-specific environmental review and project approval, specific mitigations are reviewed for feasibility.] Construction of an alternate crossing, as referenced in the comment, is not proposed as a mitigation for impacts to intersections.

ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY



June 25, 1999

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 Executive Director
Dennis K. Felt

Ms. Cynthia Eliason
Planning Department
City of Alameda
2263 Santa Clara Avenue, Room 120
Alameda, CA 94501

Subject: Comments on the Draft Environmental Impact Report for the Reuse of the Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility Located in the City of Alameda

Dear Ms. Eliason:

Thank you for the opportunity to comment on the City of Alameda's Draft Environmental Impact Report (DIER) for the Reuse of Naval Air Station (NAS) Alameda and the Fleet and Industrial Supply Center (FISC). Alameda Annex and Facility. The NAS Alameda/FISC Alameda project is located at the western end of the City of Alameda, along the eastern side of San Francisco Bay adjacent to the City of Oakland. The total acreage is 2,820 acres of which 1,120 are submerged. The Reuse Plan Alternative (the Proposed Project) describes general categories of land use and not specific development proposals. It would be developed as a mixed use, transit-oriented development including community, industrial, residential, and commercial uses. The project will generate over 10,900 p.m. peak hour trips.

The ACCMA respectfully submits the following comments. Where possible, the page number and section in the DEIR are referenced.

- The following references should be changed throughout the document, including Appendix F. The ACCMA maintains the Countywide Transportation Model; therefore, references to the CMA Model should be changed to the Countywide Transportation Model. The Congestion Management Program (CMP) Land Use Analysis Program requires that project impacts be addressed on all Metropolitan Transportation System (MTS) roadways; therefore, all references to CMA or CMP roadways should be changed to MTS roadways when used in conjunction with the Land Use Analysis Program.

B2-1

- The Final EIR should clearly identify what land use projections and analysis years are used for the study. For CMP purposes, it should be Year 2000 and Year 2010 using Projections '94. This version of the model is acceptable because of the release date of the NOP in February 1996.

B2-2

- The Final EIR should clearly show MTS roadway segments and the project impact under the Year 2000 and Year 2010 scenarios. The amount of project traffic and percent impact on the MTS roadway network should be shown. It would also be helpful to show the mitigated LOS on all tables. The MTS routes are Atlantic Avenue, Broadway (in Alameda), Central Avenue, Constitution Way, Doolittle Drive, Encinal Avenue, Fruitvale

B2-3

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Ms. Cynthia Eliason
June 29, 1999
Page 2

Avenue, High Street, Main Street, Otis Drive, Park Street, Webster and Posey Tubes, Webster Street, Tilden Way, 5th Street, 7th Street, 8th Street, Broadway (Oakland), Embarcadero Street, Harrison Street, I-580, I-880, I-980, and I-80. While some of these segments have already been addressed in the DEIR, the remaining need to also be addressed.

B2-3

- Page 3-144, Roadway Operational Conditions: The following statement should be clarified to state: The CMA uses average speeds to determine LOS on roadway segments *in the LOS Monitoring Study, which documents existing conditions. To determine future conditions, volumes are used to calculate project LOS on the MTS roadway system.*

B2-4

- Page 3-144, Roadway Capacities and Operational Characteristics and Page 3-154, Section 3.10-7: The City of Alameda in conjunction with the cities of Oakland and Berkeley is in the process of preparing a deficiency plan for this segment. It is likely that the deficiency Plan will identify specific potential short term and long term solutions. Reference to these potential improvements should be described in the document. A copy of the report is available upon request or can be obtained from the Alameda Public Works Department. The referenced I-880 Broadway Jackson improvements described here and in Section 3.10.7 are not funded and are still being studied by Caltrans to determine their feasibility. Specific improvements should not be assumed at this time because the final improvements have not been selected. Page 3-145, Table 3-13: Capacities should also be listed for MTS freeway segments (i.e., I-880, I-980, I-580, I-80). Identification of project impact should be based on volume-to-capacity ration, not delay for all MTS roadway segments.

B2-5

- Page 3-146, Table 3-14: Table 3-14 should be expanded to include all MTS routes in the study area listed above.

B2-6

- Page 3-154, Roadway System Improvements and Page 4-135, Mitigation 1f: An I-880 southbound traffic exit from the Posey Tubes is not provided as part of the existing Measure B program. See comment above regarding feasibility and funding for any I-880 Broadway Jackson improvements. They should not be included as a future mitigation until there is more detail on the final improvements and or unless they are funded by the project.

B2-7

- Page 3-158, Effectiveness of Transportation System Management (TSM) Programs and Page 4-136, Mitigation Measure 2a: Before a 10 percent reduction in trips is assumed due to aggressive TSM programs, the city and region's current reductions should be reviewed and compared to those assumptions. For CEQA purposes, any more optimistic assumptions must be documented. Existing reductions should be equal to what is proposed for this project.

B2-8

- Page 4-125, last paragraph: The Final EIR should clearly state what Projection series and analysis years were used for the land use assumptions. For CMP purposes, the analysis years should be Year 2000 and Year 2010. At the time the model runs were completed for this study, the Countywide Transportation Model had not yet been updated to the 2020 conditions referred to in this section. This needs to be clarified in the DEIR, the tables in section 4, and Appendix F tables.

B2-9

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Page 5

- Page 4-123, second and third bullets: The sections beginning “The CMA has established LOS E as the standard for all roadways and freeways on its designated network” and “Freeway segments on CMA network operating at LOS F...an increase in the volume-to-capacity ratio of 0.03 at an existing LOS F condition would constitute a significant impact...” must be revised. For the first statement, the LOS E standard applies to the LOS Monitoring Study of existing conditions and the identification of deficient segments, not to the Land Use Analysis Program. Regarding the second statement, the Land Use Analysis Program does not apply thresholds of significance to determine project impacts. The project impact to the MTS roadway and transit networks must be identified along with measures to mitigate the impacts and costs for implementing them, where feasible.

B2-10
- Page 4-123, first full paragraph, Table 4-17, and Appendix F Tables F.8 through F.11: This section identifies routes that were operating at LOS F in 1991 and states that they are excluded from conformance with the CMA’s LOS standards. They appear to be excluded from the analysis of project impacts as well. This section and the footnote referring to this on Appendix Tables F.8 through F.11 must be deleted from the document. The LOS E standard applies to the LOS Monitoring Study of existing conditions and the identification of deficient segments as described above. The project impact to all MTS roadway and transit routes, including these six identified on Page 4-123 that were not addressed, must be identified and mitigation recommended where feasible for both Year 2000 and Year 2010. The costs for the mitigation should also be identified. The document is not precluded from recommending mitigation where feasible for these segments.

B2-11
- Page 4-132, Tables 4-19 and 4-20 (and corresponding tables for the other alternatives): The LOS for MTS roadway segments must be based on volume-to-capacity ratios, not delay. The analysis year that these tables represent should be identified. For CMP purposes, the analysis years must be 2000 and 2010.

B2-12
- Page 4-142, Transit Service: The document addresses how many project trips would take BART, AC Transit, and ferries, but it should also show how much capacity is available on these transit systems to accommodate the additional load. It cannot be assumed that the transit agencies will be able to fund changes to route service. Therefore, funding for any additional service and improvements described in Appendix F should be identified in the document.

B2-13
- The DEIR should consider demand-related strategies that are designed to reduce the need for new roadway facilities over the long term and to make the most efficient use of existing facilities (see 1997 CMP, Chapter 5). The DEIR could consider the use of TDM measures, in conjunction with roadway and transit improvements, as a means of attaining acceptable levels of service. Whenever possible, mechanisms that encourage ridesharing, flextime, transit, bicycling, telecommuting and other means of reducing peak hour traffic trips should be considered. Street layout and design strategies would foster pedestrian and bicycle connections and transit-friendly site design should also be considered. The Site Design Guidelines Checklist may be useful during the review of the development proposal.

B2-14

Ms. Cynthia Eliason
June 29, 1999
Page 4

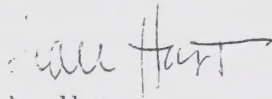
- We have been asked to inform you about the success of the Financial Incentives Program and the Guaranteed Ride Home Program, both of which are supported by the ACCMA. Employee oriented financial incentive programs, such as parking cashout programs, have proven to be successful in encouraging solo drivers to choose other commute alternatives. We would like you to consider applying the Financial Incentives Program as part of the conditions of approval and/or developer agreements as a way to reduce congestion. The Guaranteed Ride Home Program, sponsored by the ACCMA, ensures that any carpooler or transit rider at participating worksites can get home in case of an emergency.
- For projects adjacent to state roadway facilities, the environmental document should address noise impacts of the project. If the DEIR finds an impact, then mitigation measures (i.e., soundwalls) should be incorporated as part of the conditions of approval of the proposed project. It should not be assumed that federal or state funding is available.

B2-15

B2-16

Once again, thank you for the opportunity to comment on this DEIR. Please do not hesitate to contact me or Beth Walukas at 510/836-2560 if you require additional information.

Sincerely,



Jean Hart
Deputy Director

cc: Beth Walukas, Senior Transportation Planner
File: CMP/Environmental Review Opinions - Responses - 1999

COMMENTOR B2

Jean Hart, Deputy Director, Alameda County Congestion Management Agency. June 28, 1999.

- B2-1 References throughout the Draft EIR, including Appendix F, to the “CMA Model” are hereby changed to the “Countywide Transportation Model.” Additionally, all references to CMA or CMP roadways are hereby changed to MTS roadways when used in conjunction with the Land Use Analysis Program. Individual instances of this wording change are not shown here, but are shown in Chapter 3 of this document.
- B2-2 The Draft EIR does not evaluate 2000 impacts for intersections or the CMP roadways because the project is not expected to be under construction by 2000; therefore, no 2000 impacts are expected to occur. The Draft EIR analyzes 2020 buildout traffic volumes (i.e., when the project is expected to be completely built) on the 2010 roadway network; therefore, it is a conservative analysis.

For the Countywide Transportation Model runs, the 2010 Projections ‘94 version of the model was used. The land use assumptions for NAS Alameda/FISC Alameda were “zeroed out” or removed to produce the 2010 No Project conditions. Detailed land use information for each of the project alternatives (for the 2020 condition), in the formats required for the Countywide Model, was applied, the model was run, and the results reported.

- B2-3 The regional transportation system is identified in Figure 3-15. The figure has been revised to clearly identify all MTS routes and is included in Chapter 3. See Response to Comment B2-2 regarding the Year 2000 Scenario. Regarding the 2010 analysis, the Draft EIR Appendix F includes all traffic volumes, volume-to-capacity ratios, and resultant level of service data for all roadway segments evaluated as part of the EIR. Tables 4-20, 4-23, 4-25 and 4-27 list the MTS routes that would be significantly affected and the impacts of the project on those routes. Tables F-12 through F-16, which show the mitigated LOS for the intersections impacted under each alternative have been added to Appendix F (see Chapter 4 of this document).

- B2-4 The EIR on page 3-144 will be modified as follows:

Page 3-144, Paragraph 1, First Complete Sentence: “The CMA uses average speed to determine LOS on roadway segments in the LOS Monitoring Study which documents existing conditions. To determine future conditions, volumes are used to calculate LOS on MTS roadway segments.”

B2-5 Because the CMA's 1998 Level of Service Monitoring study reports LOS F operations for the connection from SR 260 eastbound (Posey Tube) to I-880 northbound (at Jackson Street/6th Street) during the PM peak hour, a multi-jurisdictional Deficiency Plan has been prepared. The Deficiency Plan identifies both short-term and long-term strategies to reduce the delay on the connection to acceptable levels. The short-term strategies include:

- Closing the 6th Street connecting ramp to Broadway and restriping the northbound I-880 on-ramp from Jackson Street;
- Diverting the southbound through traffic on Jackson Street to eastbound 7th Street or channelizing the right turns from 7th Street to southbound Jackson Street;
- Channelizing the right turns from Harrison Street to 7th Street and the right lane on 7th Street; and
- Implementing traffic-responsive control of traffic signals in Alameda and Oakland to meter the rate of traffic through the Posey Tube during congested conditions.

The long-term strategies include:

- Constructing a direct connection from the Posey Tube to 5th Street and operating Jackson Street one-way northbound from 5th Street to I-880 northbound ramp, and
- Construction of the other proposed Broadway-Jackson interchange improvements, which include closure of the ramp connection to Broadway from the I-880 northbound on-ramp at Jackson Street, a new bridge ramp on I-880 southbound with a direct connection to a widened three-lane Webster Tube, and a new slip ramp to the Webster Tube from I-880 northbound off-ramp of the Broadway exist ramp.

It should be noted that the improvements proposed by the I-880 Broadway/Jackson Improvement Plan will mitigate impacts at the local intersections which provide access to and from the Webster/Posey Tubes. The improvement program does not mitigate future traffic impacts within the tubes. Funding for the preliminary design of this project is already programmed in the STIP and the project study report is underway. In addition, the City of Alameda has been collecting developer fees towards its local match. Final improvements will be selected based on results on the project study report.

Table 3-13 on page 3-145 has been expanded to include freeway segment capacities and is included in Chapter 3 of this document. The project impacts are based on volume-to-capacity ratios as shown on Tables 4-20, 4-23, 4-25 and 4-27.

- B2-6 1990 data is not available for all MTS routes. Table 3-14 has been modified to include all routes; however, some routes will use data from 1991. The capacities for freeway segments are shown in Table 3-13, which has been revised. The revised versions of both tables are included in Chapter 3.
- B2-7 The I-880 southbound traffic exit was included in the I-800/Broadway/Jackson Interchange Improvement Project. Nowhere in the EIR does it mention that this improvement is funded from current Measure B funds.
- B2-8 The City of Alameda has not established a threshold for TSM effectiveness. Other large employment-oriented developments within the San Francisco Bay Area have achieved trip reduction of about 10 percent through TSM program activities. NAS Alameda/FISC Alameda is a very large site. If the entire site is included under the direction of a local TSM coordinator, trip reductions of 10 percent or greater are considered feasible based on the limited experience in Alameda and the experience of other jurisdictions in the Bay Area.

Although potential TSM programs for the site are discussed in the Draft EIR, the EIR does not assume any reduction for TSM implementation in the traffic analysis or mitigations. The impacts and mitigations identified in the Draft EIR therefore represent a conservative analysis without any trip reduction for TSM, except for Impact and Mitigation Measure 2, where implementation of a TSM is presented in a mitigation for peak hour traffic on the regional roadway system (Mitigation Measures 2a and 2b). In this application, a TSM reduction of 10 percent is believed to be a reasonable goal, based on regional experience with larger projects.

Text in Section 3.10.8 has been amended as follows:

Page 3-158, Paragraph 1: "The City of Alameda has not established a threshold for TSM effectiveness. According to an ITE report (Evaluation of Employee Trip Reduction Programs Based on California's Experience with Regulation XV, ITE Technical Committee 6Y-51) trip reductions on the order of 10 to 15 percent or higher are achievable through aggressively promoted and executed site-specific trip reduction programs. Such programs can significantly reduce spot congestion and lessen delays at intersections, freeway ramps and arterial streets in the immediate vicinity of NAS Alameda/FISC Alameda in question. For the purpose of this analysis, a 10 percent reduction is assumed. However, in order to present a conservative analysis, no reductions for TSM are assumed in any of the analysis presented in this document."

B2-9 For the Countywide Transportation Model runs, the Year 2010, Projections '94 version of the model was used. The land use assumptions for NAS Alameda/FISC Alameda were "zeroed out" or removed to produce the 2010 No Project condition. Detailed land use information for each of the project alternatives, in the formats required for the Countywide Model, were applied, the model was rerun, and the results reported.

Regarding the 2010 analysis, the Draft EIR Appendix F includes all traffic volume, volume-to-capacity, and resultant levels of service data for all roadway segments evaluated as part of the Draft EIR. The impact tables that are found in Section 4.10 summarize the project impacts. Please see Response to Comment B2-2.

B2-10 Significance criteria for CMA network roadways is set forth on page 4-123 of the EIR. With respect to impact to segments already to LOS "F" since CMA has not defined a threshold of significance, this document has defined it at 3 percent.

B2-11 All of the segments listed in the first full paragraph on page 4-123 of the Draft EIR have been included in the traffic impact analysis. Complete CMA model runs are provided in Tables F-8 through F-11, Draft EIR Appendix F, as stated at the end of the fourth paragraph on page 4-125 of the Draft EIR. The CMA segments for which significant impacts are identified are included in Table 4-17 and are discussed as appropriate under the impact analysis for each alternative. Three of the six segments identified as being exempt from the CMA LOS E standard are shown to be potentially impacted as described below.

- *The segment of I-80 westbound from University to the I-80/I-580 split.* This segment is included within the I-80, 1-580 to north of Berkeley segment analysis provided in Tables F-8 and F-9. In the AM Peak Hour, this segment is shown to operate at LOS F under each of the alternatives. However, none of the alternatives would result in worsened volume/capacity ratio in the westbound direction during the AM peak. Table 4-17 identifies a significant impact for some of the alternatives along this segment as a result of the projected impact on the eastbound direction.
- *I-880 southbound from Hegenberger Road to Washington Street.* This segment is included within the I-880, 1-980 to south of 98th Avenue segment analysis provided in Tables F-8 and F-9. This segment is shown to operate in the PM Peak Hour at LOS F for each project alternative. A significant impact for this segment is shown in Table

4-17 for those alternatives for which the volume/capacity ratio would worsen by more than 0.03.

- *SR 260 southbound from 7th Street/Webster Street to Atlantic Avenue.* This segment is included within the State Route 260, Webster Street (Central Avenue to 7th Street) segment analysis provided in Tables F-10 and F-11. Impacts related to this segment are identified in Table 4-17 and discussed in detail under the Reuse, Seaport and Residential alternatives as Impact 3 on pages 4-137, 4-147, 4-154.

Significant impacts to the other CMA segments that are exempt would not result from the proposed project or any of the alternatives and as a result are not included in Table 4-17 or the impact discussion for any of the alternatives.

- B2-12 Please refer to Responses to Comments B2-2 and B2-5.
- B2-13 AC Transit and BART review their service requirements annually and additional transit capacity is added where it is needed. It is expected that capacity analysis and need for any additional required service would be identified during project-specific environmental review under CEQA. The TSM program for the project includes the provision of shuttle buses between the site and BART and the ferry terminal. In the absence of expanded AC Transit services, the TSM program would provide the needed capacity to access these regional transit systems.
- B2-14 The TSM program described in the Draft EIR includes all of the TDM measures identified. Please refer to pages 4-126 and 4-127 for a description of the TSM program. The City complies with the Site Design Guidelines by annual submittal of evidence that existing policies and programs meet the intent of the goals of the TDM Element.
- B2-15 Bullet 1 on page 4-136 shall be modified as follows:
- Page 4-136, Mitigation 2a, Bullet 1: “Create a position... preferential parking plans, financial incentive programs, guaranteed return trip programs, car and van pooling programs, bicycle and pedestrian programs, and the promotion and marketing activities;”
- B2-16 Noise impacts on State 260 and MTS route – Atlantic Avenue – have been addressed in the Draft EIR in Table 4-33 on pages 4-188 and 4-199.

CITY OF OAKLAND



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July 1, 1999

Ms. Cynthia Eliason, Planning Manager
City of Alameda Planning Department
2263 Santa Clara Ave., Rm. 120
Alameda, CA 94501

RECEIVED

JUL 06 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

Dear Ms. Eliason:

The City of Oakland (City) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) prepared by the City of Alameda/LSA Associates for the Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility.

After reviewing the DEIS for the proposed project, the City has identified the following issues and requests that the City of Alameda address and rectify these points in either a revised recirculated Draft EIR or in the Final Environmental Report (FEIR):

General Comments

- Page 3-154, Mitigation 1f, and throughout the document, assumptions regarding roadway system improvements are made with reference to the *Estuary Policy Plan*, particularly related to the Broadway/Jackson interchange and the Webster/Posey tubes. The *Estuary Policy Plan* does propose a number of transportation improvements; however, the EIR for the Plan did not factor these improvements as mitigation measures to lessen the potential impacts nor did the EIR include them in the transportation analysis, primarily because funding and commitments have not been identified. Many of these improvements may require large capital outlays and each improvement required further study. Therefore, none of the proposed improvements were included as part of the analysis in the EIR for the Plan in order to assess the "worst case" scenario. The EIR for this project (Reuse of Naval Air Station Alameda and the Fleet and Industrial Supply Center, Alameda Annex and Facility) will have to use the same approach and not count on these improvements as part of the transportation analysis nor include them as possible mitigation measures. To do so would be premature for the environmental analysis.
- Since affordable housing is an important issue for the region, it is important that the project not diminish the amount of the existing affordable housing. The EIR should clarify the

B3-1

B3-2

existing affordable housing units on the site and document how the City of Alameda will continue to provide their fair share of affordable housing for the region.

B3-2

Transportation and Circulation

General Comments

- How would the transportation improvements identified in the document as necessary in Oakland be funded and phased?
- Comments presented below for the Reuse Plan Alternative, generally, are applicable to the Seaport, Residential, and Reduced Density Alternatives.
- This is a major project which is estimated to generate over 90,000 vehicle trips per day, have over 20,000 employees, over 2,200 residential units. It would severely impact Oakland intersections, streets and freeway ramps. Proposed mitigations need Oakland involvement for concurrence and appropriate funding provided to pay for necessary improvements by Alameda or the developer. Also, these “mitigations” likely would have consequences that would make them unacceptable to Oakland, and need full evaluation themselves in terms of impacts.
- The EIR must be expanded to analyze signal “systems” as well as individual intersections, and freeway on-ramps. Otherwise, the analysis is fundamentally flawed and does not properly portray the impact of this project.

B3-3

Specific Comments

- Section 3.10.1, Regional Traffic Volumes (page 3-136): The second to last sentence in the last paragraph indicates much of the Port of Oakland traffic uses the 5th Street on-ramp for access to southbound I-880. Justify or delete this statement.
- Roadway Capacities and Operational Characteristics (page 3-144): Discussions regarding the “deficiencies” are erroneous and must be re-written. Oakland is reviewing only how the deficiency can be mitigated through implementing the I-880/Broadway/Jackson plans.
- Table 3-13 (page 3-145): Webster is not two way north of 7th Street. The capacities shown of vehicles per lane are the same for all streets and do not reflect unique conditions. For example, Webster Street’s capacity should be much lower to reflect frictional elements such as double parking, pedestrians and heavy turn movements.
- Table 3-14 (page 3-146): Seventh Street is not westbound. Eastbound 5th Street (from Harrison to Jackson) cannot carry the traffic shown especially if off-ramp traffic is excluded. Where is the westbound 6th Street (I-80 off-ramp)? The capacity of southbound Webster is erroneous due to the unbalanced use of lanes. Only two of the three lanes go into the tube and shortly thereafter, these two merge into one lane. Modify the table to correct these errors. Add 7th Street and Jackson Street to the table and to the traffic analysis as these are classified by the CMA as “deficient” links triggering strict state mandated processes to eliminate this deficiency.

B3-4

B3-5

B3-6

B3-7

- Table 3-15 (page 3-148): Madison and 5th Street is missing. The LOS shown for Brush and 12th Streets appears to be unrealistically low, especially for the AM conditions. The UCOP DEIR, July 1996 shows a LOS C and 21.4 seconds delay.

B3-8
- Section 3.10.7, Recently Completed Improvements (page 3-154): The improvements proposed for Broadway and 5th Street will not be complete until winter 1999.

B3-9
- Section 3.10.7, Planned Improvements (page 3-154): The discussion of the “proposed” projects for the I-880/Broadway/Jackson improvements misrepresent the projects. The discussion gives the reader the strong impression these projects are committed. They need detailed and comprehensive study and the result may be that none of them are built. Also, many of the project details are either wrong or had not been included in the preliminary scope of the overall project.

B3-10
- Section 3.10.8, Effectiveness of TSM Programs (page 3-158): This paragraph discusses the reduction factor due to TSM measures. What is the actual experience of businesses in the City of Alameda in percent trip reduction? Though the 10 percent reduction may be valid for large or other more densely developed cities, the 10 percent reduction needs to be justified for this project and may not be realistic for Alameda.

B3-11
- How can transit be expected to be an effective mode if congestion is so bad and makes transit unattractive?

B3-12
- Table 4-17 (page 4-124): This table is based on major and critical assumptions that are flawed. Mitigations to reduce project impacts in Oakland are not under Alameda’s control and funding is not programmed. Include the route or streets determined by the CMA to be deficient – Harrison, 7th, Jackson Streets and the on-ramps at Oak to SB I-880, Jackson to NB I-880, and Broadway to SB I-880. These ramps are constraining points as much as or more than the upstream intersections or the Tubes.

B3-13
- Section 4.10, Traffic and Circulation (page 4-125): This section referred the reader to Appendix F. Oakland City staff has worked with the Navy, City of Alameda, and the traffic consultant for the past three years in reviewing and commenting on the methodology used to accurately and reasonably judge the impact of this project on Oakland streets. However, because the NAS and FISC have been closed (since April 30, 1997 and September 30, 1998, respectively) it would be appropriate for a project of this magnitude and impact to undertake a new traffic impact analysis.

B3-14
- Page 4-123: What happens with intersections at LOS E when the v/c worsens more than .03? The discussion relates what happens at LOS F in this scenario and if LOS degrades from C to E but if an intersection starts out in LOS E there is no discussion.

B3-15
- Page 4-126: The report represents that ITE trip generation rates were used but no table is included that lists the actual rates –these must be included for us to offer an opinion of validity. What are the employee densities assumed? Were the trip generation calculations made on employees or square footage? Regardless, do the two parameters complement each other or conflict with each other? If future land uses not presently envisioned move into proposed new buildings, their employee density may be greater and generate more traffic than that assumed in this EIS. Were worst case assumptions made for trip generation calculations? The EIR states that “trip generation rates used for this analysis are based on actual surveys...” A detailed discussion of these “actual

B3-16

surveys” must be included as it is critical to an understanding of whether they are acceptable or not. Also, why were these surveys not used in the EIS document for this project?

B3-16

- Page 4-127: The trip reduction assumed due to internal trips is unrealistically high and there is no documentation supporting the assumptions used. The mix of land uses does not support the assumption that the stated 23 percent reduction would occur during the PM peak hour. Therefore, the traffic impacts of this project are seriously understated.

B3-17

- Section 4.10.2 Reuse Plan Alternative: It is unlikely the listed intersections would operate at the stated LOS. A project of this magnitude must evaluate individual intersections AND their operation as a system. Presently, these signals operate as a “system” and their analysis as “isolated” intersections is flawed and misrepresents how these intersections would really operate. Otherwise, deficient links will occur and individual intersections would operate at a worse LOS when evaluated in a realistic “real world” mode such as in a signal “system”. Therefore, this EIS omits fundamental information and analysis and grossly understates the project impacts at all intersections, ramps, freeway mainlines, and streets studied.

B3-18

- Trip Distribution (page 4-127): Explain why four to six percent of the trips destined for I-88- south of Fruitvale Avenue would travel several miles on local streets rather than use the tubes.

B3-19

- Table 4-19 (page 4-131): Why are the calculated delays shown in the Table not exactly the same as those shown in Table 4-9 of the EIS document?

B3-20

- Section 4.10.1 Reuse Plan Alternative, Significant Impacts, e. Harrison Street at 7th Street (page 4-135): The proposed mitigation (i.e., I-880/Broadway/Jackson interchange improvements) and resultant LOS results are not presented. The proposed depressed northbound to eastbound double right turn lane would severely alter the entire 7th Street frontage of the Chinese community Center and isolate it from nearby Chinatown. The resulting LOS at Jackson and 5th, Jackson and 6th and other intersections are not presented and assumptions on the LOS analysis are not presented. These “proposed” mitigations are neither approved nor funded.

B3-21

- Section 4.10.1 Reuse Plan Alternative, Significant Impacts, f. Webster at 8th Street (page 4-135): If one of the westbound through lanes is converted into a left turn lane, pedestrians crossing Webster on the south side would be further jeopardized as they would be in conflict with the cars and less visible to the vehicles in the multiple turn lanes. This mitigation is likely not acceptable nor advisable.

B3-22

- Pedestrians must be properly analyzed at this and all intersections as they can severely reduce an intersection’s capacity. In particular, Chinatown area has an extremely high level of pedestrians regularly precluding traffic from turning right even when the through traffic has the green light.

B3-23

- Section 4.10.1 Reuse Plan Alternative, significant impacts, g. Broadway at 5th Street (page 4-135): As discussed earlier, the proposed mitigation (i.e., I-880/Broadway/Jackson interchange improvements) is misleading and this mitigation is neither funded nor committed.

B3-24

- Explain why intersection LOS at Brush and 12th, Brush and 11th, and Brush and 5th are virtually unaffected by the proposed project. The LOS (without the Reuse Plan) is way too low. Also, it appears the vehicle trips that would be candidates to use these intersections would be such a large

B3-25

number that surely the impact on these intersections would be substantial. Application of the (1) trip generation numbers for AM peak in bound (7,458) from Table 4-18 and (2) the trip distribution of 26 percent of project trips using I-980 or I-880 north of Oakland's CBD indicates 1939 vehicles (7458 X 26%) would be candidates to use these intersections. Yet, the EIR indicates virtually no project impact

B3-25

- Section 4.10.1 Reuse Plan Alternative, Regional Access Circulation system, Impact 2 (page 4-135): At the Oakland 5th Street SB I-880 on-ramp, congestion on the freeway would severely limit the ability during the PM peak hour of the over 1000 project vehicles added to the estimated base volume of 1300 vph trying to enter the freeway. These 2300 vehicles would queue up back to Jackson and, in turn, preclude vehicles from entering the Jackson Street on-ramp to northbound I-880. This street is already part of a "deficient" link. This ramp and all ramps need to be properly evaluated so their impact, and the ripple effect of their impact, can be properly understood, analyzed, and mitigated.

B3-26

- The mitigation 2a indicates the implementation of a "comprehensive set of TSM programs" would reduce peak hour traffic to a "nonsignificant" level. What percent reduction in project trips would be necessary? Is this reduction being met by other, existing City of Alameda businesses? How would funding be assured for the Transportation System Manager?

B3-27

- The TSM programs must include City of Oakland staff as an equal partner to monitor the effectiveness of, ensure the success of, and actively participate in setting the program goals and actions necessary to achieve the necessary goals. Also, if the annual goals are not met, further growth or development would have to be limited.

B3-28

- Section 4.10.1 Reuse Plan Alternative, Significant Impacts, Peak Hour Traffic on SR 260 (Webster/Posey Tubes) (Page 4-137): This section discusses how the construction of a new crossing between Oakland and Alameda would mitigate the significant impact the project has on the Tubes. However, this mitigation itself would be such a major project (the least expensive alternative is estimated to cost over \$300 million) that it would have major and significant impacts on Oakland's streets, the freeways, and Oakland's land uses that would be displaced. This questions whether the proposed mitigation would ever be built. If this truly is the sole mitigation for relieving significant impacts to the Tubes and Oakland intersections, then it must be fully analyzed in the EIR, or the proposed project must be severely downsized.

B3-29

- The text indicates Oakland and Alameda have identified feasible mitigations that would improve this segment to LOS C, as discussed in Section 3.10.4. However, this is untrue. The EIR's analysis (see Appendix for "Traffic" analyses) indicates a PM peak hour volume of over 5500 for the Posey Tube and an AM peak hour volume of over 4900 for the Webster tube. The only way to mitigate these volumes is with another crossing. The I-880 /Broadway/Jackson "projects" can not and are not expected to address capacity constraints of the tubes. (The DEIR indicates a capacity of each tube lane of over 1700 vehicles per hour and this translates the above projected traffic volumes to three lanes needed for the Webster tube and four lanes needed for the Posey tube.)

B3-30

- Discussions about a "diurnal" shift are misleading as this "shift" would only extend the peak period congestion from one or two hours to three or four hours.

B3-31

- Mitigation 3b (page 4-138) focuses on the Tubes as being the constraint but there are other, more critical constraints that must be monitored. In Oakland, these constraints include affected intersections such as: Harrison and 7th, Harrison and 8th, Jackson and 7th, and Jackson and 6th, Jackson and 5th; freeway on-ramps such as Oak to southbound I-880, Jackson to northbound I-880, and Broadway to southbound I-880. **B3-32**
- A monitoring program of every three years is not acceptable. An annual program that counts and analyzes intersections, links, and system operations must be undertaken and includes frequent counts that adequately reflect operating conditions. A single count taken on one day on which is based an entire analysis to determine the impact of a project that generates over 90,000 vehicles per day is fundamentally flawed. The study parameters would have to be developed jointly with and approved by Oakland staff. **B3-33**

Air Quality

Specific Comments

- Increased vehicle traffic generated by the implementation of the Reuse Plan Alternative may result in exceedances of carbon monoxide (Federal and State 8-hour standard), ozone precursors, and PM10. Mitigation for these significant impacts includes the construction of a new crossing between Alameda and Oakland. However, since this mitigation does not have commitments for funding and requires more review, the City of Alameda should clarify if significant air impact would occur if the proposed project is implemented without this mitigation. **B3-34**
- Mitigation Measure 3b limits development so that traffic does not reach a volume that would cause exceedances of CO standards and not exceed LOS E for the Webster/Posey tubes until a new crossing is constructed. The mitigation measure should include a ceiling on the number of peak trips that developers can generate over time for the proposed development. The City of Alameda should also provide a traffic study that includes the identification, at a minimum, the number of additional peak hour trips that the proposed project would contribute to traffic through the tubes. This traffic study should also consider the cumulative air impacts from the port expansion, base reuse, population and related vehicle trip increases. **B3-35**

Biological Resources

Specific Comments

- The EIR document states that significant and mitigable impacts could occur from increased predation of the California least tern due to new development located in the Northwest Territories (272 acres). The EIR document is silent regarding the impacts on the least tern and the wildlife refuge, as a whole, from the Civic Core and Marina areas. The Civic Core area will include 334 acres of mixed use including a portion of the sports complex, commercial, and housing areas. The Marina will be 125 acres and will include housing, industry, hotel, and visitor servicing recreation. The EIR analysis should identify and clarify impacts to the wildlife refuge and specifically the least tern for these areas. **B3-36**

Cumulative Impacts

The FEIR should include the following projects and corrections in the analysis of cumulative impacts in Chapter 5 to determine whether there are any additional impacts due to the following corrections and additional projects:

Estuary Policy Plan:

Adopted June 8, 1999; Projected Completion Date: 2015; 16,835 additional employment and 3,805 additional households.

City Lofts & Allied Paper Project:

With 105 residential loft units and retail spaces; Planning Commission Approval; City Council Approval June 8, 1999.

Allegro Project:

With 312 residential units and commercial spaces; Approval; Projected Completion Date: 1999

Safeway Reuse Project:

With 46 residential loft units and commercial spaces; <1 acre; 0.5 miles; Approved; Projected Completion Date: 1999.

311 Oak Street Project:

With 220 residential loft units and commercial spaces; <1 acre; 0.5 miles; Proposed; Projected Completion Date: 2000.

Port of Oakland Jack London Square Phase II Plan:

With approximately 1 million square feet of a variety of mixed uses (need to check with the Port of Oakland for accurate and detailed information); on more than 1 acre of site and 0.5 miles; Historical Uses: Surface parking lots and Jack London Village.

Old Town Square Project- Phase II:

With 80 residential units; <1 acre; at 8th/9th/Clay/Jefferson Streets; Proposed.

Swan's Market Project:

With 42 residential units and 230,000 square feet of commercial/civic activities; <1 acre; at 8th/9th/Clay/Washington Streets; Approved.

Lakeside Drive Tower Project:

With 270 residential units; <1 acre; at 17th Street and Lakeside Drive; Approved.

B3-37

Additionally, the EIR document should evaluate Caltrans Seismic Retrofit Plans for Interstate 880: Webster/Posey Tube Retrofit Project and High Street Retrofit Project.

We look forward to reviewing the FEIR when it is available. Should you have any questions regarding our comments, please call Katrina Koh, Planner III, at 238-3741.

Sincerely,

Leslie Gould, Acting Chief of Planning
Community and Economic Development Agency

cc: Katrina Koh, Community & Economic Development Agency, Planning
Michael Vecchio, Public Works Agency, Traffic & Engineering
Brooke Levin/Liz Borowiec, Public Works Agency, Environmental Services

COMMENTOR B3

Leslie Gould, Acting Chief of Planning, Community and Economic Development Agency, City of Oakland. July 6, 1999.

- B3-1 The Estuary Policy Plan and its EIR were prepared before the CMA's LOS Monitoring Study and subsequent letter of deficiency for SR 260/I-880. At that time the Broadway/Jackson improvements for the I-880 corridor had neither commitments nor funding. Since adoption of the Estuary Plan, the cities of Oakland, Berkeley and Alameda have moved forward on a deficiency plan which includes as a long-term solution, the Broadway/Jackson improvements. Additionally, State funding including the Caltrans Project Study Report has been started and funding collected by the City of Alameda on a project-by-project basis (Sandy Wong, Caltrans). Therefore, the approach of this Draft EIR need not use the same approach as the EIR for the Estuary Plan.
- B3-2 The housing at NAS Alameda was military housing available only to military personnel and not to the general public. With closure of NAS Alameda, this population left the City. The majority of this existing housing stock has not been included by the City in its calculation of existing or potential future affordable housing stock. Only the housing units within NAS Alameda that are currently occupied by the USCG are counted in the City's Housing Element.

The development that will occur as part of the Reuse Plan Alternative will result in a net increase of total housing units, including affordable units, within the City of Alameda. The suitability of these former military housing units (which were not historically and are not currently available to the general public) as a potential new source of affordable housing will be determined by the City in the context of the update of the City's Housing Element and/or on a project specific basis. In addition, the City and the CIC have several existing programs that will require each specific development project that occurs under the Reuse Plan to include some component of affordable housing (e.g., provision of actual units, payment of in-lieu fees, 20 percent tax increment set aside fund). Also see Response to Comment C11-3.

- B3-3 It is acknowledged that the City of Oakland would need to be involved in the approval process for implementation of mitigation measures in the City of Oakland. Depending upon actual project development, funding and phasing may vary. Full evaluation of individual improvements will occur as details of plans are developed in project EIRs.

The Draft EIR identifies link level of service effects which are an indicator of the conditions experienced across signal systems.

- B3-4 This condition occurred before the new I-880 freeway was fully constructed. Today, truck and other traffic generated by or travelling to the Port of Oakland facilities has direct access to I-880. This sentence has been revised as follows:

Page 3-136, Paragraph 1, Sentence 3: “In 1990 ~~Furthermore,~~ the 5th Street southbound I-880 on-ramp ~~was is~~ one of the highest volume ramps along I-880 in Oakland carrying much of the Port of Oakland traffic destined for southbound I-880.”

- B3-5 Page 3-144, Paragraph 3 will be modified as follows:

Page 3-144, Paragraph 3, Sentence 5: “The cities will address this declaration of “deficiency” through implementation of planned improvements ~~for the I-880 corridor~~ including Broadway/ Jackson ramps. under the Oakland Estuary Master Plan.”

- B3-6 Table 3-13 has been corrected to state:

Page 3-145, Table 3-13, Line 2: “Webster Street Arterial 4 lanes (two-way north of Central Avenue)”
and Line 2 under “Access Roadways – City of Oakland”
“Webster Street Arterial 3 lanes (~~two~~ one-way north of 7th).”

Footnote 2 shall be modified as follows:

Page 3-145, Table 3-13, Footnote 2, Sentence 2: “Because one-way streets adjust for anticipated pedestrian and parking frictional factors and tend to have higher capacities than two-way streets, using a lane capacity of 800 for one-way streets will result in a conservative estimate of impacts.”

- B3-7 The traffic volumes reported in Table 3-14, p. 3-146, are based on actual field counts. Eastbound 7th Street and southbound Jackson Street have been added to Table 3-14. These traffic counts represent 1990 conditions with NAS Alameda and FISC Alameda in full operation. Recent disclosures made through the CMA’s LOS Monitoring Program have concluded that these roadway segments are currently (1999) operating at deficient levels. As a result, the cities of Alameda and Oakland have developed a Deficiency Plan for CMA approval. The comment is correct regarding unbalanced lane volumes. The table assumes a uniform distribution of traffic across all travel lanes. For southbound Webster Street (8th to 7th), LOS C (0.77) and LOS D (0.85) occur if the southbound volume is served by two lanes rather than three (with a capacity of 800 vehicles per lane). The following changes have been made to Table 3-14:

Page 3-146, Table 3-14:

Add to become Line 6: "Westbound 6th (I-880 off-ramp)"

Add to become Line 8: "Eastbound 7th Street (Alice to Jackson) 1,582 1,982 1,600 0.99 (E) 1.24 (F)"

Add to become Line 10: "Southbound Jackson (7th to 6th) 1,088 1,281 1,600 0.68 (B) 0.80(D)"

B3-8 The intersection of Madison and 5th Street was not included in the list of affected intersections evaluated in the EIR, because it was not identified during project scoping (that included input from the City of Oakland) as an intersection with the potential to be substantially affected. The Route 260 Deficiency Plan traffic analysis conducted by CCS Planning and Engineering found LOS B conditions for the AM and PM peak hours. Information for Brush and 12th is based on 1994 City of Oakland traffic counts as described on the bottom of page 3-132 and top of page 3-133.

B3-9 Text on page 3-154 has been modified to indicate that improvements for Broadway and 5th Street will not be complete until 1999 as follows:

Page 3-154, Paragraph 4, Sentence 1: "A second southbound left-turn lane is planned to be constructed on Broadway at 5th Street during late 19989."

B3-10 The project description used to define the Broadway/Jackson Improvement Plan was defined in the I-880 corridor study conducted by Mark Thomas & Associates under a joint powers agreement between the CMA, City of Oakland, Port of Oakland and City of Alameda. Currently, funding is being developed for the project and Caltrans is reviewing these plans. A Caltrans Project Study Report (PSR) has been started for the projects.

B3-11 Please refer to Response to Comment B2-8.

B3-12 The comment is noted; however, transit service associated with direct shuttle service from the site to BART or to the ferry terminal can divert traffic from single occupant vehicles. This would tend to reduce peak-hour traffic volumes. Both BART and the ferry service remove commuters from at least some portions of congested roadways.

B3-13 Table 4-17 identifies impacts and includes mitigations. It is acknowledged that mitigations in Oakland would require Oakland's involvement. See Response B2-5 regarding funding for the I-

880/Broadway/Jackson interchange. State Route 260 impacts identified in Table 4-17 include the deficient segment.

- B3-14 Undertaking a completely new traffic analysis, as suggested in the comment, is not warranted. The methodology and scope for the EIR analysis was developed in coordination with the City of Oakland, the CMA, and the City of Alameda pursuant to Public Resources Code Section 21083.8.1. The decision was made to use the year 1990 as the baseline for the Draft EIR, since the bases were fully operational at that time and the best traffic data was available for that baseline. The closure of the bases does not affect the selection of the operational baseline year of 1990.
- B3-15 The Commentor appears to have confused intersection LOS and roadway/freeway segment LOS. When an intersection at LOS E worsens by any amount, it is considered significant. As discussed on page 4-123, Bullet 2: "The CMA has established LOS E as the standard for all roadways and freeways on its designated network. Therefore, traffic generated by an alternative would have a significant impact on traffic if it resulted in a CMA roadway or freeway segment operating at LOS F." Acceptable LOS for freeway segments is LOS A-E inclusive.
- B3-16 Please see Response B1-1. The trip rates are based on standard ITE factors, such as dwelling units, square footage, or acres. The Countywide Transportation Model uses households and employed residents to forecast traffic. The surveys referred to on page 4-126 are those done by ITE and SANDAG.
- B3-17 The Countywide Transportation Model includes the entire San Francisco Bay Area region. The land uses proposed for the project were included in the model. The model determined the split of on-site versus off-site traffic distribution. The trip distribution values shown in Figure 4-3 were taken directly from the model outputs. These values then were used to determine local intersection impacts during the AM and PM Peak hours. These travel patterns would produce fewer impacts outside of the City of Alameda. Therefore, the outputs from the Countywide Transportation Model provided the best method of analysis for internal and external travel for the Draft EIR analysis.
- B3-18 The traffic analysis in the Draft EIR includes both intersection and link level of service. Link level of service is a reasonable indicator for signal system operation when the analysis is undertaken at a programmatic level.
- B3-19 The Countywide Transportation Model provided the basic distribution values. The Countywide Transportation Model assigns future traffic to the street system in iterations to adjust for congested corridors. As a

result, the model assigned a portion of the site's traffic to more corridors than just the Webster/Posey tubes. Therefore, the traffic analysis allocated some of the traffic destined to I-880 south of Fruitvale Avenue to streets other than the Webster/Posey tubes.

- B3-20 The NAS EIS evaluates future conditions under the assumption of continued base operations, while the EIR evaluates a future condition in which the base is no longer operational (i.e., NAS Alameda/FISC Alameda traffic is netted out of the model) and background traffic growth is estimated using the ½ percent per year factor; therefore, the tables are different. Table 4-19 in the Draft EIR and Table 4-9 in the EIS both include intersection LOS and delay information. Table 4-9 in the EIS only includes those intersections which have significant impacts. Further, the term "(Exc.)" is used to denote excessive delays in the Draft EIR, while a plus (+) sign is used to denote excessive delays in the EIS. In preparing this response, one error in Table 4-19 was found: The PM peak hour delay at Atlantic Avenue and Main Street should be 37.2, not 35.1, as cited in Table 4-19 and this correction is hereby incorporated into the Draft EIR. The difference in delay does not affect the LOS which would remain at D.

Page 4-131, Table 4-19, Line 1: "Atlantic Avenue/Main Street
C 15.3 C 15.1 F (Exc.) D ~~35.1~~ 37.2"

- B3-21 The mitigated conditions result in LOS D or better. The intersection of Harrison Street and 7th Street improves from LOS F to LOS B. The proposed mitigation measures are consistent with the I-880 corridor study, conducted by Mark Thomas & Associates, and the Route 260 Deficiency Plan recommendations. The impacts associated with the mitigation measures would be evaluated as part of the Caltrans Project Study Report (PSR) and Project Report (PR) including impacts to the Chinese Community Center. With regard to the Harrison Street and 7th Street intersection, there are several options available for improving this intersection including depressing the two existing right turn lanes or providing a single, free right-turn lane, that is grade separated from the pedestrian movements. It is anticipated that this mitigation can be accomplished within the existing curb-to-curb width of 7th Street. Retaining walls or other structural amenities would be required and there would be some degree of separation along the 7th Street frontage. It is understood that the final design of these improvements will need to avoid significant impacts to the Chinese Community Center.

Other factors may influence potential mitigation at Harrison Street and 7th Street. The CMA has commissioned a traffic study to address the deficiency found on the northbound I-880 ramp at Jackson Street and 6th Street. That plan calls for short-term and long-term mitigation designed to eliminate the deficiency. Under the long-term plan, a

- substantial amount of traffic projected to use the Harrison Street and 7th Street intersection would be diverted to a new connection between the Posey Tube and 5th Street. The effect of this improvement would be to substantially improve service levels at Harrison Street and 7th Street, which in turn may change the ultimate mitigation requirements at that intersection and eliminate the need for grade separation.
- B3-22 This mitigation is needed to maintain acceptable levels of service during the peak hour. Other improvements do not appear feasible within the existing curb-to-curb street width. Dual left turn lanes are constructed in many communities where pedestrian movements occur. The comment is correct with regard to the potential conflicts with cars; however, without additional roadway capacity, acceptable levels of service cannot be achieved. It is assumed that when the westbound traffic is turning left, pedestrian movements on the south side of Webster would be restricted. It would follow that pedestrian movements across the south side of Webster Street would not occur at the same time westbound lefts are allowed from 8th Street to southbound Webster.
- B3-23 Consideration of pedestrians is included in the analysis. When the final set of approved intersection improvements are constructed, intersection signal phasing would need to be revised from existing conditions to optimize intersection performance. With optimization, LOS D or better conditions could be maintained. The separation of pedestrian and vehicular movements minimizes these vehicle and pedestrian conflicts. In fact, the recommended mitigation measure at Harrison Street and 7th Street requires the separation of pedestrian and vehicular movements.
- B3-24 The I-880 Broadway/Jackson Improvement Plan has received Caltrans Project Study Report (PSR) funding and the PSR is underway. The project is also listed in the Caltrans Expenditure Plan, the CMA Congestion Management Program, and in the current Caltrans State Transportation Improvement Program (STIP). Changes in the current design for the project are expected to produce an improvement program designed to mitigate traffic impacts produced by growth in both Alameda and Oakland. It is expected that a joint powers agreement between the City of Alameda and the City of Oakland would be implemented so that coordinated implementation of the improvement plans can occur. Once approved, both cities will be required to contribute fair share funding for this project, although the City of Alameda has already committed to provide partial funding. Although the Broadway/Jackson Improvement Plan has not been fully funded, it can reasonably be assumed that the project can be accomplished.
- B3-25 The traffic model created for this Draft EIR did not assign significant amounts of traffic to the intersections along the Brush Street corridor.

The model used the most direct routes to access the intersection of Broadway/5th and Webster/7th for access into the Webster Street tube. Inbound freeway traffic was projected by the model to use the Jackson Street ramp to access the Webster Tube. Much of the I-880 traffic from the west was also assigned to the 5th Street corridor for access to the tube at Broadway/5th.

The levels of service at the intersections cited in the comment are based upon traffic counts conducted in 1994 adjusted to reflect zero activity at NAS Alameda and factored to year 2010. Changes in traffic patterns and volumes between 1994 and 1999 will not be reflected in the reported traffic volumes and resultant levels of service.

- B3-26 The impacted areas noted in the comment are the subject of a CMA Deficiency Plan. The Route 260 Deficiency Plan calls for short-term and long-term mitigation measures that will reduce traffic congestion between the Posey Tube and the I-880 on-ramp at Jackson Street and 6th Street along 7th Street. By separating the pedestrian and vehicular conflicts and insuring free flows of vehicles from the Posey Tube onto the I-880 on-ramp at Jackson and 6th Street traffic queues should be minimized. Assuming that the closure of the Broadway ramp near the top of the I-880 on-ramp will provide adequate capacity on the ramp, the merge of I-880 on-ramp traffic with the I-880 mainline would be the new bottleneck. Because this bottleneck has been anticipated, Caltrans is already studying the I-880/Broadway/Jackson Interchange Program. As development at the project site occurs, annual monitoring of the regional and local access system will be conducted by the CMA. If additional deficiencies are found, they will be subject to further mitigation.
- B3-27 Please refer to Response to Comment B2-8 for a discussion of the effectiveness of TSM programs in the City of Alameda and the San Francisco Bay region. The TSM program is designed to reduce project peak-hour traffic by 10 percent. The program will be tailored to address impacted locations. As indicated on page 4-136, Bullet 6, "As a condition of approval, the City of Alameda would require contributions to fund the various trip reduction programs developed by the Transportation System Manager. Contributions would be based on number of employees."
- B3-28 The comment is noted. Oakland should be consulted in developing and monitoring the program. Further, the City of Alameda should be included when either the City of Oakland or Port of Oakland proposes projects that impact these segments.
- B3-29 Construction of an alternate crossing would be major interjurisdictional project that would be subject to project level environmental review.

The Draft EIR identifies a new crossing of the Oakland Estuary as a potential mitigation that would provide additional capacity to mitigate the impacts from reuse alternatives. While construction of a new crossing would mitigate the impact, extensive coordination and planning between multiple jurisdictions, and numerous agency approvals would be required to accomplish this mitigation. The mitigation is identified because, conceptually, it would mitigate the impact to a nonsignificant level. However, because the political and funding feasibility of this impact is not known, as the EIR acknowledges this mitigation measure would not be feasible and is not relied upon to mitigate the environmental impacts of any of the alternatives. Instead, Mitigation 3b, is proposed as a feasible mitigation measure that would mitigate the impact to a nonsignificant level. Although a new crossing would be expected to mitigate the reuse alternatives as well as other area-wide development impacts, both within the City of Alameda and the City of Oakland, it is beyond the scope of one project to implement. Since the crossing has not been designed or a location identified, meaningful analysis is not feasible. A large, multi-jurisdictional project like a new crossing would require separate environmental analysis and detailed evaluation of a new crossing is outside of the scope of this program-level EIR.

- B3-30 Please refer to Response to Comment B3-29. The discussion of peak hour traffic on SR-260 (Webster/Posey Tubes) page 4-137, Impact #3 indicates that a feasible mitigation has been developed for the “deficient” CMA segment not for the tube capacity. Construction of a new tube is identified as a possible mitigation (Mitigation 3a), however, since that mitigation is not considered feasible at this time, Mitigation 3b is included which assures that traffic impacts associated with new development does not exceed the capacity of the tubes.
- B3-31 Diurnal shift is an observed behavior which reduces peak hour impacts by spreading traffic over time. This shift results in a longer, but less severe, impact.
- B3-32 Affected intersections in Oakland are addressed in separate mitigation measures. Harrison/7th and Broadway/5th is addressed in Mitigation 1f. Freeway segment on-ramps are addressed under Mitigation 2a and 2b. Mitigation 1f, the Broadway/Jackson Interchange Improvement Project, will also mitigate some of the arterial and freeway segment impacts. It includes improvements such as auxiliary lanes for the Broadway/I-880 NB on-ramps at the Oak Street/I-880 SB on-ramp, which should improve capacity and reduce congestion on these links.
- B3-33 Mitigation Measure 3b calls for monitoring every three years, or more frequently as the threshold of tube capacity is reached. Therefore, annual monitoring would be an acceptable methodology under

Mitigation Measure 3b as currently written. The mitigation text does not, as suggested in the comment, identify a specific methodology, such as a single count on a single day. For those traffic impacts that would affect multiple jurisdictions, the cities of Oakland and Alameda would coordinate the methodology used for implementing a joint monitoring program for the areas around the access of I-880. Growth within the City of Oakland as well as within Alameda, directly affects the capacity and function of the roadway system.

- B3-34 The air quality evaluation has been conducted without the mitigation of a new crossing. The impact conclusion for carbon monoxide, ozone precursors and PM₁₀ under the Reuse Plan Alternative is that the effects would be significant prior to mitigation and less-than-significant after implementation of the recommended mitigations. Mitigation 3a and 3b on page 4-168 would result in lowering emissions to a nonsignificant level.
- B3-35 Mitigation 3b would limit development so that traffic levels in the Webster and Posey Tubes remain below their maximum capacity. The mitigation measure does not establish a fixed number of peak hour trips for the project because it was deemed infeasible both in terms of monitoring and determining actual trip assignments. Several real-world factors could change predicted traffic volumes in such a manner as to make a fixed ceiling meaningless: possible changes in trip generation rates caused by increased car pooling, bicycling and walking which would reduce vehicle trips; changing commute patterns; increased ferry service to Alameda; improvements in the Tubes that would increase their capacity; or the land use make-up of other future developments. See Response to Comments B5-25, B5-27 and C9-11.
- B3-36 The Draft EIR does consider impacts to the least tern and proposed refuge as a whole resulting from proposed development within these planning areas in the planning issues section beginning on page 4-71. More specifically, the EIR's discussion of significant impacts calls out potential impacts to the least tern and other biological resources likely to occur with development of the ball fields in the Civic Core, with increased boat traffic and dredging activities in the Marina area, and with the introduction of pollutants, such as oil and grease, herbicides, pesticides, and fertilizers into stormwater runoff (see pages 4-77 through 4-79 of the Draft EIR). To further clarify the extent and nature of the impacts anticipated with proposed development of the Civic Core and Marina planning areas, the following text has been added to the EIR:

Page 4-73: "Impact 1: A significant and mitigable impact would result from increased predation of the California least tern (loss of individuals and disruption of breeding) due to new development located adjacent to the wildlife refuge. The

development of light industry soccer fields, and a golf course in the Northwest planning area, ~~and the ball fields and other outdoor facilities~~ in the Civic Core planning area, ~~and increased development and human presence in the Marina area,~~ would place developed land uses ~~in this area~~ closer... and other predatory mammals.”

Page 4-74, Paragraph 1, Last Sentence: ~~“Garbage cans, large trash receptacles, and uncontained litter attract crows, gulls, dogs, cats, skunks, and raccoons, which may then be attracted to tern eggs and chicks nearby (US Navy 1995b). Increased food availability from waste materials and garbage receptacles (i.e., garbage cans, large trash receptacles and uncontained litter) associated with light-industrial, golf course, and other recreational development, especially in the Northwest Territories and the Civic Core area, would likely attract and support larger small mammal populations, including rats, feral/domestic cats, skunks, and raccoons, and avian predators such as ravens, crows, and gulls, which could prey directly upon least terns and/or their eggs (US Navy 1995b).”~~

Page 4-74, Paragraph 2: “Increased night lighting associated with light industrial development and the sports complex (soccer and ball fields) in the Northwest Territories and Civic Core, and increased boating related development and use in the Marina area, could enhance the ability of nocturnal predators...to prey on terns.”

Page 4-75, Paragraph 4 Heading: “Human Activity in the Northwest Territories, Civic Core and Marina Areas”

Page 4-75, *Impact 2*: “A significant mitigable impact to the California least tern...in the Northwest Territories, Civic Core, and Marina planning areas. Under this alternative, there would be fewer access restrictions to all areas of NAS Alameda, ~~including the Northwest Territories planning area,~~ than when the property was occupied by the Navy. Recreational use in ~~the Northwest Territories~~ all three planning areas would be expected to increase, as would the overall presence of people and domestic animals.”

Page 4-78, Paragraph 2: *Impact 5*: “A significant and mitigable impact would result from stormwater runoff from the golf course and paved areas especially in the Northwest Territories, Civic Core and Marina planning areas.”

The addition of this clarifying text does not change the conclusions of the EIR with regard to impacts or their significance.

- B3-37 The cumulative analysis in the Draft EIR is based on a 0.5 percent annual growth factor for the period of cumulative analysis rather than a comprehensive project list (CEQA Guidelines Section 15130(b)(1)(8)). This approach was agreed upon by the Cities of Alameda and Oakland during the scoping process for the Draft EIR and is based upon the City of Alameda General Plan. The 0.5 percent growth factor is a conservative estimate (i.e., one that ensures that potential impacts will not be under-estimated) that anticipates local and regional growth and therefore encompasses the cumulative projects listed in the Draft EIR and is based upon the City of Alameda General Plan. Nevertheless, Table 5-1 on pages 5-2 through 5-5 of the Draft EIR, Cumulative Project List, has been revised to modify and/or include the following:

Amendments:

- Caltrans Cypress Freeway Rebuilding
- Estuary Policy Plan
- City Lofts & Allied Paper
- Allegro Project

Additions:

- Safeway Reuse Project
- 311 Oak Street Project
- Port of Oakland Jack London Square Phase II Plan
- Old Town Square Project – Phase II
- Swan Market Project

The cumulative project list has been revised based on the information provided by the Commentor. These projects have been considered but it was determined that no specific changes to the cumulative analysis were required.



THOMAS C. HUGHES III

July 2, 1999

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PLANNING DEPARTMENT
CITY OF ALAMEDA

City of Alameda
Ms. Cynthia Eliason
Planning Department
2263 Santa Clara Ave, Room 120
Alameda, CA 94501

Dear Ms. Eliason:

This office represents the Alameda Unified School District ("District") in connection with the Draft Environmental Impact Report ("DEIR") dated April, 1999, for the disposal and reuse of the Alameda Naval Air Station ("ANAS") and the Fleet and Industrial Supply Center ("FISC"). The purpose of this letter is to provide you with the District's comments to the DEIR. The District believes that the DEIR contains material factual errors relating to the District and the effect of the project. The District has several areas of concern. The first relates to the District's position that portions of the DEIR are inconsistent with the District's entitlement to certain parcels of land within the ANAS and FISC. Secondly, the portions of the DEIR which deal with public services contain erroneous information regarding the effect of the proposed alternatives upon schools. Finally, the District has several additional concerns. Each of these is described below.

1. Property Issues

The District's comments regarding the DEIR relating to the parcels of property claimed by the District require some initial factual background. The District had applied to the United States Department of Education for public benefit conveyances of various parcels of property for a variety of District uses. One of these parcels, the existing Miller School Site, is being granted to District and is not at issue here. However, the District also applied for additional land for use as a continuation high school site, a central kitchen, and a corporation yard. The Reuse Plan ultimately recommended several specific conveyances be made to the District (Reuse Plan page 8-8, Table 8-5). After the issuance of the Reuse Plan, the City of Alameda requested that the District accept different parcels of property from those recommended in the Reuse Plan. A series of long and difficult negotiations followed regarding the specific entitlements of the District to land on the ANAS and FISC. Those negotiations have subsequently resulted in a tentative agreement between the District and the City (the "Agreement"). The Agreement has not yet formally been approved by either the City or the District. Its effectiveness is conditioned upon such approval, and the adoption by the City of an ordinance implementing its terms. The Agreement is also conditioned upon the City being granted the relevant portions of the FISC and ANAS. A copy of the proposed agreement is enclosed with this letter.

ATTORNEYS AT LAW

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The Agreement, if approved, will require the City to transfer two parcels of land to the District, in satisfaction of the District's right to the parcels originally recommended in the Reuse Plan. The first parcel contains approximately 8 acres in the FISC (the "FISC Parcel"). The approximate location of the FISC Parcel is specified on Exhibit "A" attached to the Agreement. Under the Agreement, the FISC Parcel would be used by the District for classroom purposes, potentially including a continuation high school, or for non-classroom purposes consistent with city zoning. The second parcel consists of approximately 12 acres located on the ANAS (the "ANAS Parcel"). The location of the ANAS Parcel is specified on Exhibit "B" to the Agreement. The ANAS Parcel could be used for general educational purposes, including the uses originally applied for (central kitchen and corporation yard). The ANAS Parcel is currently the subject of certain subleases between the City and various subtenants.

B4-1

The FISC Parcel is located within the Main Street Neighborhood, as outlined in the DEIR. The FISC Parcel borders the North Waterfront area. However, because the boundaries of the FISC Parcel can not be precisely determined at this time, portions of the FISC Parcel could be within the North Waterfront area. The ANAS Parcel is located within the Inner Harbor area.

The initial comments to the DEIR presented here assume that the Agreement will be approved and implemented. Additional comments are presented below, which assume that the Agreement is not approved and implemented.

A. FISC and ANAS Parcels Under Tentative Agreement

Under the Reuse Plan Alternative, the existing Miller School Site would be retained, an additional elementary school would be located within the Main Street Neighborhood, and an additional 8 acres site within the North Waterfront would be reserved for school purposes such as the central kitchen and corporation yard. However, that portion of the DEIR is inconsistent with the Agreement. The 8 acre site within the Main Street Neighborhood corresponds to the FISC Parcel, which is to be used for classroom purposes to be determined by the District, including potentially a continuation high school rather than an elementary school. The other site, to be used potentially for the central kitchen and corporation yard, is located within the Inner Harbor area. The ANAS Parcel is 12 acres, not the 8 provided for in the DEIR.

B4-2

The Reuse Plan Alternative for the Inner Harbor area is also inconsistent with the Agreement. The site of the proposed RV Park is on the ANAS Parcel to be conveyed to the District. Under the Agreement, the site would be used for general educational purposes, including the central kitchen, corporation yard, or other administrative purposes.

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The District believes that the Reuse Plan Alternative is the proper disposition and reuse of the base, provided that the alternative is consistent with the provisions of the Agreement (if the Agreement is approved), or with the specific recommendations of the Reuse Plan for property dispositions to the District (if the Agreement is not approved). The Agreement is the culmination of extensive negotiations and compromises to achieve a workable implementation of the Reuse Plan. The terms of the Agreement should be recognized in the DEIR.

The Seaport Alternative modifies certain portions of the Reuse Plan Alternative in a manner which effects the District's position under the Agreement. The disposition and reuse of the Main Street area would be the same as described above. However, the disposition of the Inner Harbor indicates that an 8 acre site would be reserved for a school. The 8 acre site appears to be in addition to the Miller Site, the 8 acre FISC Parcel, and the 8 acres discussed at page 2-22. The Seaport Alternative, like the Reuse Alternative, needs to recognize the 12 acre FISC Parcel within the Inner Harbor area. The location of an additional school site in the Inner Harbor area is an issue as to which the District reserves it's position. The development and location of any new school site must be decided by the District on the basis of a variety of factors, including demand and the existence of adequate funding.

B4-2

The Residential Alternative would not change the Main Street Neighborhood use. The Inner Harbor area would have an 8 acre parcel reserved for a school site. The same comments as to the Seaport alternative apply here. The same comments also apply to the disposition and uses provided for in the Reduced Density alternative.

B. District Parcels Without Tentative Agreement

In the event that the Agreement is not approved, the District strongly believes that the original recommendation of the Reuse Plan should be implemented under the Reuse Plan Alternative. The Reuse Plan specifically recommends that the District receive a public benefit conveyance of several parcels of land for use as a continuation high school, central kitchen and corporation yard. Those parcels consist of Navy Parcels 172, 173, 175 and 176 (Reuse Plan pg. 8-8, Table 8-5). The Agreement with the City implements this plan for these uses, but as indicated above, such Agreement is contingent upon approval by the City Council and District Board. If not so approved, the original recommendations of the Reuse Plan with respect to the District's land entitlement should be considered by the DEIR as an alternative to the version of the Reuse alternative proposed.

B4-3

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2. Public Services (Schools)

The DEIR finds that the impact of each alternative is mitigatable to a non-significant level. The findings, however, are based in part upon information contested by the District. The findings of the DEIR are based upon a 1998 analysis by Shilts consultants, Inc. (the "Shilts Study"). The Shilts Study was made without consultation or input from the District. Moreover, the Shilts Study fails to consider the effect of the District's compliance with state classroom reduction programs.

The District's consultant, Lapkoff and Gobalet Demographic Research, has reviewed the issue, and has reached conclusions which are more narrowly focused upon the specific impacts of the new construction resulting from the project. The Shilts Study, as cited by the DEIR, uses information based upon overall district wide conditions. The Lapkoff Study concludes that the estimated student generation rate from the project in K-12 is .53 students per unit, and .83 for homeless housing within the project. The Shilts Study, shown on Table 3-7, shows the student generation rate to be only .48, or a difference of .05 students per household, or .35 per "homeless household." Using the housing numbers in Table 4-4, an additional 120 students would be generated under the reuse alternative, and up to 272 under the residential alternative. These additional demands will be higher from "homeless housing". The District's schools will be more overcrowded than assumed by the DEIR.

B4-4

The DEIR recognized that alternatives that overcrowd schools beyond levels provided in the project are "significant impacts" (DEIR 4-37). Yet the DEIR also recognizes that the "size and type of new schools constructed on the ANAS Alameda/FISC Alameda have not yet been determined" (DEIR, 4-40). The DEIR assumes that whatever schools will be required can be built with a combination of statutory fees and "other sources" (4-41). There is no discussion of what "other sources" would be, other than references to redevelopment funds from both the APIP and BWIP redevelopment projects. The EIR assumes a \$52 million distribution over the 45 years of the APIP. The EIR does not address or analyze the factual basis for these "projections". The Community Improvement Plan for the Alameda Point Improvement Project, as adopted by Alameda City Ordinance No. 2754 N.S., does not contain projections, or any factual basis for determining such projections. It also does not address either the timing of those funds or the availability of tax increments financing. The District has a present need for these funds, since schools must be constructed in anticipation of student generation, not after the fact. The District believes that tax increment financing for this project will be extremely problematic for some time. Moreover, the availability of additional funding under Government Code Section 65995.5 and 65995.7 is also problematic, although District will seek such funding. In short, the DEIR simply assumes that "other sources" of financing for the construction of the schools

B4-5

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generated by the project will become available, without meaningful analysis. Such funding may not exist at a level or at the times necessary to develop the schools required by the project. The enactment of SB50 does not change the requirement under CEQA that a meaningful analysis of the effect of the project be conducted. The District believes that the DEIR fails to do that.

B4-5

The District also believes that other factual statements in the DEIR relating to schools are incorrect. Enclosed with this letter are two documents containing information developed by the District relating to enrollment and development issues. The first document is a letter dated March 24, 1999, jointly addressed to Senator Don Perata, and Alameda Mayor Ralph Appezato. The letter attaches a number of summaries relating to enrollment and development issues considered by the DEIR. The information in those summaries differs from the information contained in the DEIR. Similarly, a copy of an April 19, 1999 District presentation entitled "Status Report – Facilities Master Planning Services" is attached. That presentation also contains information which is not consistent with the statements in the DEIR. The District believes that the review and interpretation of the attached data requires direct consultation with the District in order to properly prepare the DEIR.

B4-6

3. Other Issues

A. Merritt Posey Aquifer

Section 3.9.2 of the DEIR states that the Merritt Posey Aquifer contains some groundwater, but is not considered a primary water supply because of its limited distribution and thickness. It states, however, that groundwater within the Merritt Sand may be considered for temporary use in the event of emergency disruption of EBMUD water supplies. This statement conflicts with the conclusions contained in the Draft Base-Wide Focused Feasibility study for the former Subtidal Area and Marsh Crust and Groundwater prepared by Tetra Tech Environmental Management Inc, dated February 20, 1999. That study states that there is no beneficial use of groundwater and that there is therefore no need for additional clean up work with respect to the existing benzene groundwater plume, prior to conveyance of the FISC property to the Navy.

B4-7

B. Transportation

The development of new schools is likely to result in significant traffic congestion in the vicinity of those schools, particularly during the peak drop-off hours. The DEIR should address the increased traffic demands after consultation with the District as to the type, location, size and number of schools required by the development alternatives.

B4-8

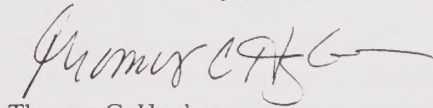
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Please add me to the distribution list in this matter. If you have any questions regarding these comments, please feel free to give me a call.

Very truly yours,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



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Agreement

This Agreement ("Agreement") is entered into this _____ day of _____, 1999, by and between the City of Alameda ("City"), and the Alameda Unified School District ("District").

Recitals

A. The Alameda Naval Air Station ("ANAS") is located within the City of Alameda. The ANAS was ordered closed pursuant to a recommendation of the Defense Base Realignment Commission, which was adopted by Congress in 1993.

B. On or about September 13, 1995, District submitted an application to the United States Department of Education for a public benefit conveyance of a portion of the ANAS.

C. The Alameda Reuse and Redevelopment Authority ("ARRA") is the duly constituted Local Reuse Authority for the ANAS. The ARRA is a California joint powers agency composed of the City of Alameda and the County of Alameda.

D. On January 31, 1996, the ARRA adopted its Community Reuse Plan (the "Plan") containing recommendations for the reuse of the ANAS. The Plan recommended that the District receive public benefit conveyances of certain property within both the ANAS and the adjacent Fleet Industrial Supply Center ("FISC").

E. In October, 1996, in conformity with the recommendations of the Plan, the District amended its public benefit conveyance application to include parcels in the FISC in lieu of certain other parcels in the ANAS.

F. The District was thereafter informed by the United States Department of Education that it lacked jurisdiction over the FISC parcels. The FISC parcels were to be conveyed to the City of Alameda under special legislation, rather than the provisions of federal law governing public benefit conveyances and other dispositions of excess federal property.

G. The District and City thereafter negotiated to identify such parcels within the FISC and ANAS which would best serve the parties mutual interests in providing public educational facilities within the reuse area.

H. The reuse of such Parcels by the District will provide needed public educational facilities, and will benefit both the District and the City by aiding in the reuse and redevelopment of both the ANAS and FISC.

Agreement

1. Identification of Parcels

1.1 The real property to be conveyed to District consists of two parcels as described in Section 1.2 and 1.3.

1.2 The "FISC Parcel" shall consist of approximately eight (8) acres located upon the FISC, as more particularly described on Exhibit "A" attached hereto.

1.3 The "ANAS Parcel" shall consist of approximately twelve (12) acres of property, as more particularly described on Exhibit "B".

1.4 The FISC Parcel and the ANAS Parcel are collectively referred to herein as the "Parcels".

1.5 The parties recognize that neither the FISC Parcel nor the ANAS Parcel have precise legal descriptions at this time. District will pay for the costs of a survey of the Parcels to obtain such legal descriptions. The parties further acknowledge that the precise boundaries and sizes of the Parcels may ultimately differ from the general descriptions on Exhibits "A" and "B". Both parties shall use their best efforts to cooperate in identifying and approving the ultimate legal descriptions of the Parcels. The parties further recite and acknowledge that such legal descriptions and boundaries shall be as substantially close to the general descriptions contained in Exhibits "A" and "B" as practicable. The locations of the Parcels shall not be moved substantially without the consent of both parties hereto.

1.6 The parties recognize that neither the ANAS nor the FISC have yet been subdivided under the California Subdivision Map Act. The Parcels may be transferred by City to District without the approval of a parcel map pursuant to Government Code § 66428. District shall fully comply with Government Code §66455.9, to the extent applicable, prior to taking title to the Parcels.

2. Transfer of Parcels

2.1 City agrees that it will convey the Parcels, as defined below, to District. Such conveyance shall be made promptly after the acquisition of such parcel or parcels from the

United States. If the City acquires an interest less than a fee interest, City will convey such lesser interest to District, provided that if City thereafter acquires a fee interest or other superior title, City will convey such fee or superior interest to District.

2.2 The transfer to the District will, at the election of District, be made through an escrow opened at a title company chosen by District. If District elects to have such transfer made without an escrow, city will transfer the Parcels directly to District within thirty (30) days of acquisition of title to each such parcel. If District elects to have the transfer made through an escrow, the transfer shall be made as soon as possible after such title company is prepared to issue a policy of title insurance for such parcels.

2.3 The transfer of the Parcels shall be without fee or cost by City, except as provided in Section 2.5. District will pay for customary third party closing costs incurred in the acquisition of real property generally. Such costs include escrow costs, title insurance costs, and the cost of a survey.

2.4 The transfer shall be made by quitclaim deed, without representations or warranties by City. The City shall transfer the same title to District as City receives from the United States.

2.5 In the event that the United States charges any fee to City as consideration for the FISC as a whole, District will repay to City the prorated portion of such fee attributable to the FISC Parcel. Such proration shall be based upon the ratio of the area that the FISC Parcel bears to the total FISC property to be transferred to City. In the event that the United States imposes a cost or fee upon City for the transfer of the FISC, District may terminate this agreement without

liability if it determines that its prorated portion of the cost exceeds the amount available to District to spend for such acquisition.

3. Special Legislation

3.1 The parties agree that at the option of District, District may seek special federal legislation granting the Secretary of the Navy the authority to transfer either or both of the Parcels directly to District. City will support any such legislation. In the event that such legislation is enacted, the transfer of the parcel or parcels affected will be made directly from the United States, without first conveying such parcel or parcels to the City. The proposed legislation shall contain such terms and provisions as are consistent with the provisions of this Agreement.

3.2 District will be responsible for drafting such proposed legislation, subject to the review and approval by City, which approval shall not be unreasonably withheld.

4. Use of Parcels

4.1 The FISC Parcel may be used by District for (i) classroom purposes, including a continuation high school; or (ii) any other use permitted by applicable City zoning ordinances.

4.2 The ANAS Parcel may be used by District for general education purposes, including use as a central kitchen, corporation yard, and other administrative uses.

5. Conditions

5.1 City's obligations under this Agreement are conditioned upon (i) City receiving entitlement to the FISC under the existing federal legislation (PL-102-484, §2834, as amended);

and (ii) City receiving an economic development conveyance of those portions of the ANAS as contain the ANAS Parcel.

5.2 Districts obligations under this Agreement are conditioned upon Districts reasonable approval of any costs incurred in connection with the acquisition of the Parcels as contemplated herein.

5.3 If the conditions in Section 5.1 or 5.2, are not satisfied, the party benefiting from such condition may terminate this Agreement without liability. In the event of such termination of this Agreement, each party shall return to the legal position that such party enjoyed prior to this Agreement, without loss or waiver of any rights.

6. Districts Rights to Remaining Land and Fees

6.1 The Plan describes the property and uses of the ANAS and FISC to which the District should accede. Pages 2-16 and 2-17 of the Plan provide, in part, as follows:

“...the Alameda Unified School District will be deeded property through a public benefit conveyance to operate a continuation school, central corporation yard, and consolidation kitchen in this area. The AUSD will also will be conveyed the land on which they currently operate George Miller School and the adjoining childcare center. Additional school site(s) will be identified for the school district to accommodate potential future demand from projected elementary or junior high school populations.”

The conveyance of the Parcels under this Agreement constitutes the full and

complete satisfaction of all claims to land and property at ANAS and FISC under the Districts original or amended public benefit conveyance application, the Plan, or any state or federal statute related to the closure of the ANAS or FISC, except as provided herein. Notwithstanding the above, nothing contained in this Agreement shall constitute a release, waiver or limitation of any of Districts rights to (i) the George Miller School site or the adjacent day care center, as described in the second sentence of the portion of the Plan quoted above; or (ii) subject to the provisions of Section 6.2 herein, any rights to develop future school sites to accommodate future demand, as provided in the third sentence of the portion of the Plan quoted above.

This Agreement shall not be deemed to (i) constitute or authorize any waiver or release by District, or any set off against District, of any fees which would be required to be paid to District pursuant to Government Code section 65995, 65995.5, 65995.7, Education Code section 17620, or any other provision of law relating to development fees, which exists or may be enacted in the future; or (ii) limit or otherwise affect any negotiations or agreements which may be reached between District, any developer, City, or any other party, relating to the payment of development fees in excess of statutory limits.

6.2 The rights of the District to receive additional real property owned by City within the FISC or ANAS for use as school sites, without payment by the District, shall be subject to the provisions of this section. In the event that District requires additional school sites within the ANAS or FISC, District will receive a credit (the "Credit") from the City against the fair market value of the site, as provided herein. The amount of the Credit shall be determined by multiplying the fair market value of the property by a fraction, the numerator of which is the projected number of students creating such demand whose residences are within the ANAS or FISC, and the denominator of which is the projected total number of students within the District

creating such demand. By way of example only, if the fair market value of a school site were \$100,000; the total number of students creating such demand were 1,000, and the number of such students residing within the FISC or ANAS were 750, District would receive a credit of \$75,000 towards the purchase of such site from City ($750/1000 \times 100,000 = 75,000$), and District would be required to pay to City the remaining \$25,000. For the purposes of calculating projected student demand in order to determine the amount of the Credit only, District and City shall use the same student generation factor for both development within the FISC or ANAS, and for development within the District other than within the FISC or ANAS. The selection of any school site shall be made in accordance with all prevailing rules and guidelines established by the State of California.

7. Enactment of Ordinance

The provisions of Section 3-10 of the Alameda City Charter require that real property be transferred by ordinance. This Agreement shall be of no force or effect, if an ordinance consistent with the terms of this Agreement, and complying with Section 3-10, is not enacted concurrently with the execution of this Agreement. Said ordinance may incorporate the terms and conditions provided for in this Agreement.

8. General

8.1 This Agreement shall become effective upon execution by the parties, and approval by the Alameda City Council and the Board of the Alameda Unified School District, as required by law.

8.2 This Agreement is governed by the laws of the State of California.

8.3 This Agreement contains the entire agreement of the parties with respect to the subject matter described herein, and supercedes all prior representations, understandings and agreements between the parties. All amendments or modifications to this Agreement must be in writing and executed by the parties.

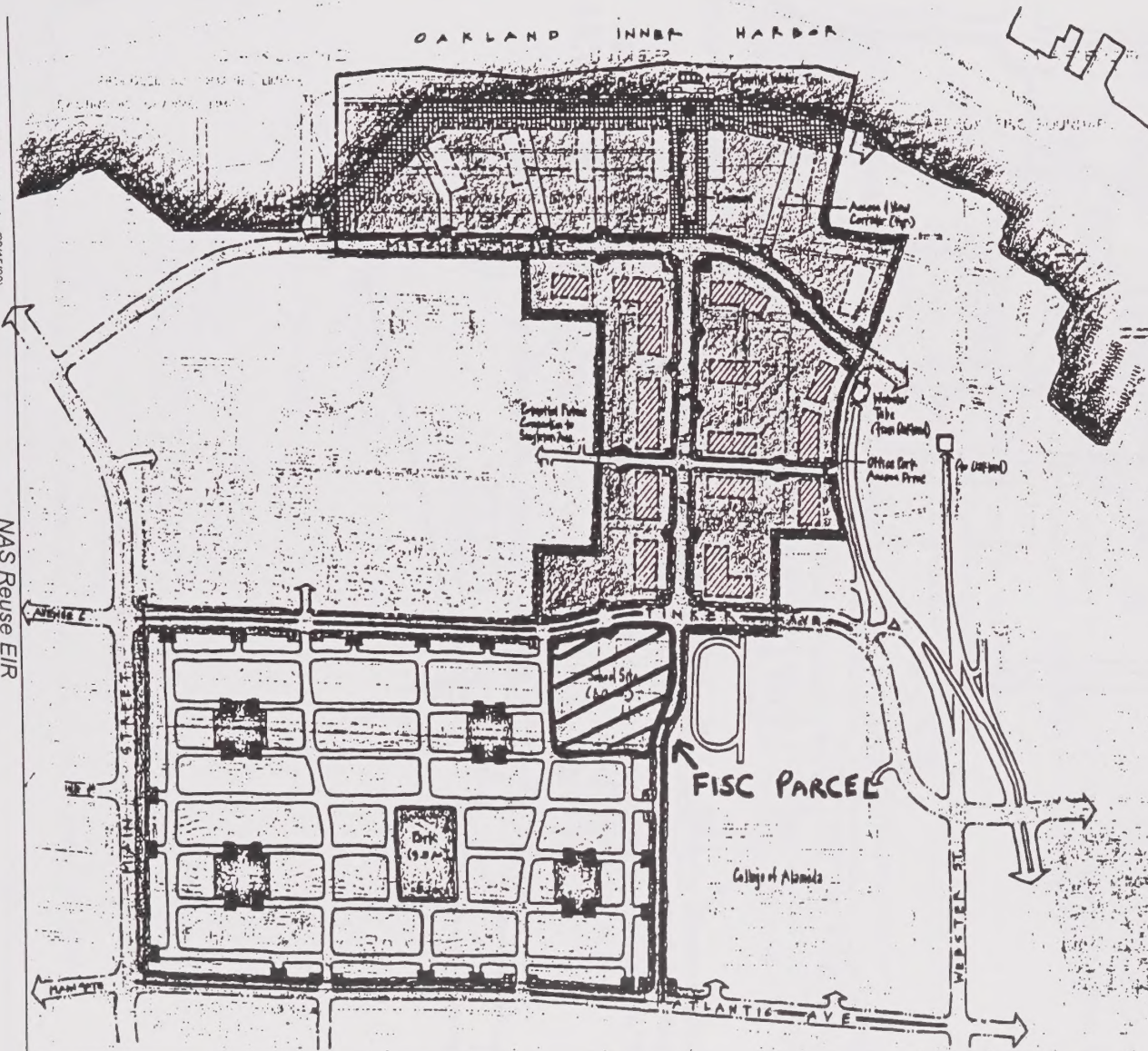
8.4 In the event of any litigation, proceeding or arbitration to enforce or interpret this Agreement, the prevailing party shall be entitled to its costs, including reasonable attorneys fees at trial and on appeal.

CITY OF ALAMEDA

ALAMEDA UNIFIED SCHOOL DISTRICT

By: _____
City Manager

By: _____
Superintendent



Legend

- Dedicated Public Open Space (Promenades & Plazas)
- Dedicated Public Open Spaces (Parks & Commons)
- Streetscape / Street R.O.W. (Streets, Sidewalks, Bike paths & Planting Buffers)
- Gateways / Markers (Project Identity Elements, Signage & Planting)
- Semi-Public / Private Open Spaces
- Single Family Residential
- Residential Courts
- Potential Building Footprints (Office / R&D) (2 to 5 Stories)
- Potential Building Footprints (Office / R&D) (1 to 2 Stories)
- Parking Area (Office / R&D)
- Vehicular Access Points
- Access & View Corridor
- Perimeter Screen Planting

EXHIBIT A

Note: Data information provided by K&M Engineering, dated 07/98



K&M ASSOCIATES
Urban Design & Landscape Architecture
1400 Broadway Street - Suite 201
San Francisco, CA 94111
(415) 774-6171



Land Use and Circulation Diagram FLEET INDUSTRIAL SUPPLY CENTER & EAST HOUSING Alameda, California

Gensler

S&A Project Number: 0000
Date: 11/1/99
Scale: 1" = 300'
Sheet

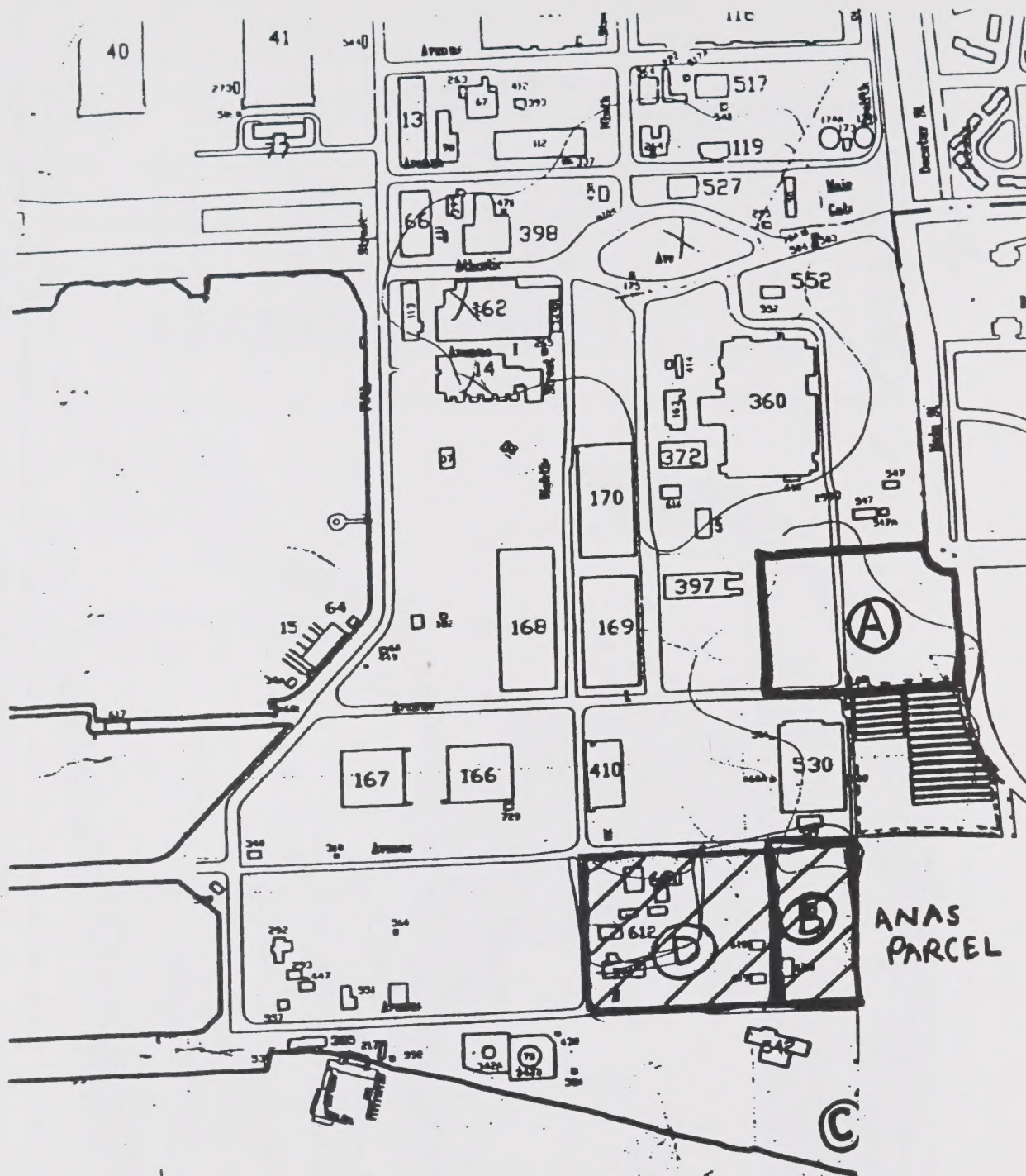
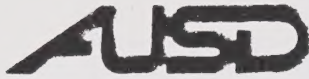


EXHIBIT B



Alameda Unified School District
We Serve Children

Superintendent's Office Located
Historic Alameda High School
2200 Central Avenue
Alameda, CA 94501
(510) 337-7060 Fax (510) 522-6926
Dennis K. Chaconas, Superintendent

March 24, 1999

Senator Don Perata
District 9
1515 Clay Street, Suite 2202
Oakland, CA 94612

Mayor Ralph Appezato
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Follow-up documentation from March 15th meeting

Gentlemen:

As promised in my letter of March 16th, enclosed are the four (4) documents that we agreed to provide in an effort to advance our negotiations on new school facilities issues:

- Summary - AUSD School Capacity and Enrollment
- Summary - AUSD School Facilities Needs
- Summary - AUSD Proposal for Alameda Point Land and Mitigation of Development Impacts
- Summary - Proposed Negotiations Plan for Resolving Development Impacts Issues

The AUSD proposal summary presents just the basic framework of a deal. The Board certainly recognizes that there are a number of details to work out. We also recognize that there may be acceptable alternatives to this proposal and are open to consider those that will meet the District's objectives.

You will also note that the negotiations plan addresses the recent proposal by members of the community to form a citizens' advisory committee on this issue. We have tried to find a balance that provides opportunities for stakeholder involvement without unnecessary duplication of effort or delay. Because the Board feels that discussions to date have been hampered by a lack of community involvement, the enclosed documents will be made available to the public.

We hope that we may meet again very soon to finalize a joint plan for proceeding with negotiations.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gail A. Greely", is written over the typed name.

Gail Ann Greely
President, Board of Education

Cc: All meeting attendees
City Manager Jim Flint
Assistant City Attorney David Brandt
Sandre Swanson, Office of Congresswoman Lee

"Children are the world's most valuable resource and its best hope for the future." J. F. Kennedy

Summary: AUSD School Capacity and Enrollment

Changes in AUSD Student Enrollment

Contrary to expectations at the time of base closure, AUSD's enrollment has grown to record levels and is expected to continue to grow, even without new housing development. The reasons for this are:

- More military students than expected stayed in Alameda after base closure.
- The number of students per household has been higher than projected in some neighborhoods.
- Families with children have moved into neighborhoods that previously had low numbers of children (change in demographics).
- Private school students have returned to the public schools; attrition has been reduced at the middle and high school levels.

Changes in AUSD School Capacity

While the number of students has been increasing, school capacity has decreased, principally at the elementary level due to:

- Reduction in class size to 20-to-1 in grades K-3; more classrooms are needed to accommodate the same number of students in these grades.
- Reduction in class size for English and mathematics to 20-to-1 in grade 9; again, more high school classrooms are needed for the same number of students.

November 1998 Enrollment and Capacity by School Site

The table shows the enrollment and "Vision" capacity at each school site as of Nov. 20, 1998:

School	Enrolled 11/20/98, incl. Special Ed.	Maximum Capacity	Under/(Over) Capacity
Bay Farm	484	475	(9)
Earhart	676	644	(32)
Edison	356	299	(57)
Franklin	285	258	(27)
Haight	542	495	(47)
Longfellow	408	415	7
Lum	497	446	(51)
Miller	190	275	85
Otis	422	377	(45)

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Attachment to March 24, 1999 letter
Greely to Perata and Appezzato re: Development Impacts

Paden	425	424	(1)
Washington	506	511	5
Woodstock	344	328	(16)
Total Elementary	5135	4947	(188)
Chipman	534	716	182
Lincoln	834	766	(68)
Wood	803	766	(37)
Total Middle	2171	2248	77
Alameda High	1703	1747	44
Encinal High	1408	1262	(146)
Island High	211	240	29
Total High	3322	3249	(73)
Grand Total	10628	10444	(184)

- School capacity figures are based on the number of classrooms at each site (including compliant portables), excluding rooms that do not meet state size standards or are dedicated to specific necessary non-classroom uses (such as media centers and multi-purpose rooms).
- Elementary capacity is based on District staffing ratios of: 20-to-1 grades K-3; 29-to-1 grades 4-5; 10-to-1 for Special Education/Special Day Class students.
- Middle school capacity is based on District staffing ratios of: 29-to-1 grades 6-8; 10-to-1 for Special Education/Special Day Class students.
- High school capacity is based on District staffing ratios of: 20-to-1 grade 9 English and math only; 29-to-1 grades 9-12; 10-to-1 for Special Education/Special Day Class students.
- Schools that are over capacity are currently housing students by: offering morning and afternoon kindergarten classes (40 students to a classroom); exceeding the District average staffing ratio of 29-to-1, but staying under the applicable classroom maximum; redirecting students out of neighborhood schools; not allocating classroom space for physical education classes; and sharing classrooms at the middle and high schools.
- It is important to note that the state uses different student-teacher ratios to calculate school capacity for purposes of construction funding. Matching AUSD capacity figures to state calculations would require eliminating 20-to-1 classes and doubling the size of special education classes.

Current Enrollment of Students Not Resident in Alameda

Students who do not reside in Alameda may enroll in AUSD schools under state law:

- 45 non-Alameda resident students are currently enrolled under the "Allen Bill" because their parents work in Alameda. AUSD must enroll these students in any school with available space.
- 366 non-Alameda resident students are currently enrolled through inter-district permits. AUSD must enroll these students if and where there is space available. Inter-district permit students have low priority and may be diverted to other schools in the District to accommodate newly-enrolled Alameda residents.
- The number of inter-district permits accepted by AUSD has declined as enrollment of resident students has increased. This will continue as enrollment grows.
- *52 Alameda residents are currently enrolled in other districts through inter-district permits.*

Impacts of New Housing: Student Generation Factors

Obviously, additional housing has the potential to generate new students for the public schools as families move in to new Alameda neighborhoods.

- AUSD studies based on actual experience in Alameda of enrollment growth show an average K-12 student generation factor of .628 students per additional housing unit. However, after discussions with the City and its consultant, AUSD has agreed to a compromise figure of .56 students per additional housing unit. For every 100 houses built, 56 new students will be generated.
- Subsidized housing units tend to have higher numbers of students, with an average student generation factor, across different housing types, of .83 K-12 students per unit.
- AUSD and the City also reached agreement that, including land, the cost to house each additional student is \$17,436.

Projected Enrollment Growth

AUSD projections of enrollment growth over the next four school years, with no new housing development, are shown below:

	1999-2000	2000-2001	2001-2002	2002-2003
Total Projected Enrollment (including Special Ed.)	10,796	10,948	11,003	11,132

Projections are available for each individual school site and for special education.

Creating Space by Eliminating Non-Alameda Residents

Based on these projections, terminating every student from out of district would be a short-term solution for one year. By the 2001-2002 school year we would once again be over capacity by at least 100 students. This level of over capacity is created with no additional housing units considered in our projections.

Summary - AUD Future School Facilities Needs

Future Facilities Needs by Level and Location - Preliminary

Elementary

- New school/s to accommodate students generated by new housing construction at Alameda point/FISC
- New school site in central Alameda, north side, for growing enrollment

Middle School

- Additional classroom space at Chipman Middle School to accommodate students generated by new housing construction at Alameda Point and FISC
- New school site in central Alameda, north side; possibly K-8 configuration

High School

- Additional classroom space at Encinal High School to accommodate students generated by new housing construction at Alameda Point

Important Considerations in School Facilities Planning

- According to school construction experts, from planning to opening of a school can take three to five years. This includes planning, permits, construction, landscape, and furnishings.
- In its 1994 facilities plan, AUD's facilities committee identified ideal sizes for schools at various levels. They are: elementary - 500 students; middle school - 600-750 students; high school - 1,000-1,400 students. Whenever possible, AUD seeks to limit school facilities to these capacities. These numbers are currently under review as part of the development of a facilities master plan.
- School sites must meet recommended state standards (elementary - 10.9 acres, middle school 15.2 acres, high school 33.9 acres).
- State school modernization money cannot be used to increase capacity of existing schools.
- Flexibility in design and grade configuration of schools is necessary, because the distribution of students at various grade levels changes over time.
- AUD enrollment is generally based on neighborhood schools with corresponding attendance zones. However, some schools have "choice" or "magnet" programs open to a wider population. In addition, AUD complies with state law in providing opportunities for "open enrollment" whereby students may enroll outside of their neighborhood zone when space is available.

Applications for AUD Public Benefit Conveyance Requests for NAS Property

- AUD's applications for Public Benefit Conveyance of NAS property included 20 acres near Encinal High School to be used for the following purposes:
 - Relocation of Island High School to improve the educational environment
 - Relocation of AUD warehouse and yard to improve operating efficiency
 - Construction of central kitchen adjacent to warehouse to reduce food service costs

- At the City's request, AUSD agreed to relocate these planned facilities to 20 acres on the FISC property. Since that time, the legal status and development plans for use of the FISC property have changed
- These remain important facilities objectives for AUSD and are expected to be financed through the sale of land made surplus by the relocation.

Content of Base Reuse Plan - Educational Facilities

- AUSD believes that the educational component of the Community Reuse Plan is a fair and reasonable proposal for use of the former NAS to meet educational goals in Alameda.
- It provides:
 - Transfer of Navy child care facility to AUSD (to open this year as WCDC site)
 - Transfer of Miller School property to AUSD
 - Transfer of 20 acres of land to AUSD, suitable for the purposes stated in the PBCs.
 - Agreement to work with ARRA to locate future sites for AUSD offices, teacher training and adult education service.
 - Agreement that the ARRA and AUSD will work together to explore appropriate financing mechanisms including school construction impact fees consistent with state law.

Potentially Surplus AUSD Property

- AUSD remains committed to making a "swap" of the Mastick site under the terms of the current lease for a comparable piece of property, appropriate for educational use.
- When AUSD is able to move forward with its plans to relocate its warehouse, maintenance yard and Island High School, those sites could be declared surplus.

Summary - AUSD Proposal for Alameda Point Land and Mitigation of Development Impacts

Need for a Comprehensive Approach

AUSD feels strongly that the City and the District must work together to provide a consistent, comprehensive approach to ensuring that Alameda has adequate public school facilities. Without a comprehensive approach, the availability of school facilities will remain unpredictable and families will continue to be impacted. Impacts include overcrowded school yards, students diverted from neighborhood schools, inability to implement class size reduction, and possible program changes including double session/multi-track schools. A comprehensive agreement must include:

- Transfer of NAS and/or FISC land to AUSD for relocation of Island High, central warehouse and yard, and a new central kitchen.
- Transfer of land to AUSD for construction of a new school facility on the FISC.
- Funding for construction of a new school on the FISC.
- Full mitigation of school facilities impacts for additional housing construction throughout Alameda, including NAS.

Acknowledging Uncertainty

AUSD recognizes that future housing development at FISC, NAS or anywhere in Alameda is uncertain and that the actual number of units to be built cannot be known at this time. Future school enrollment is also difficult to predict, as are state laws and policies affecting school capacity. Uncertainty is minimized if AUSD and the City work together and in concert as developers approach the City with housing proposals. However, the District recognizes that any agreement will have to include provisions that accommodate these kinds of changes in circumstances and changes over time that affect student generation factors, as well as land and construction costs for new school facilities.

Land at Alameda Point

The parties are actively discussing an agreement on the following land transfer:

- 12 acres (previously identified) on NAS near Encinal High to be transferred to AUSD
- 8 acres (previously identified) on the FISC to be transferred to AUSD

Financing School Construction at FISC Property - Alameda Point

Provisions proposed for financing construction of an elementary school on the FISC if the 8 acres described above is transferred to AUSD:

- Payment of \$4.20 per square foot (residential) in developers' fees
- Catellus could have the option of constructing an elementary school to accommodate 500 students in lieu of fee payments.

Mitigation for Future Development - Alameda Point and Beyond

AUSD proposes that the City require developers of new housing units anywhere in Alameda to reach agreement with AUSD to provide school facilities funds at the following minimum levels:

- \$5.58 per square foot (residential), if the development has not set aside sufficient acreage for a school site at no cost to AUSD;
- \$4.20 per square foot, if sufficient land has been provided.

The specific mechanisms to be used to ensure compliance with this standard would be determined by legal counsel for AUSD and the City.

Examples from Other Communities

To provide some context for AUSD's proposal, here are some examples from other communities:

- City of Pleasanton -- Developers are committing to "gifts" that bring fee total to \$4.85.
- Gilroy -- City holds development "contests", with the winners having projects approved; fee agreement of \$4.00 is one method of receiving "points" to be able to compete for building permits.
- City of Livermore -- City threatened development moratorium unless developers agreed to more than the statutory amount.
- Santa Cruz County -- Mello-Roos condition in place, Live Oak School district receiving \$9,650 per residential unit.

Proposed Timetable of Meetings and Sequence of Agendas

- Week of March 29: Agreement on negotiation plan; review of AUSD interests, enrollment data and facilities plan
- Week of April 12: Discussion of City interests and plans; review of AUSD proposal; City proposal
- Week of April 26: Alternatives to bridge the gap between AUSD and City proposals; review of preliminary draft document/s
- Week of May 10: Agreement reached; review and revision of documents

Negotiating Teams

- Issues to be addressed in these negotiations are of such importance to the community and so critical to Alameda's future that members of the two elected bodies and the chief executives should be active participants in the negotiations.
- We propose that the negotiating teams consist of the principals, as follows:

AUSD	City
Board president	Mayor
Board member, facilities committee	City Council member
Superintendent	City Manager
Legal counsel	Legal counsel

- Outside observers can help facilitate communications between the parties. We propose that representatives from State Senator Perata's and Congresswoman Lee's offices be asked to attend all sessions.
- Staff members and outside experts could be called into individual sessions to provide needed information.
- Depending on the progress of negotiations, the District would consider the use of a neutral facilitator or mediator upon mutual agreement with the City.

Authority of Teams

- Negotiating teams must have authority to bind their respective parties to agreements, subject to ratification by the elected bodies.
- Each team will be responsible for regularly communicating with all members of its elected body to ensure prompt ratification of tentative agreements.

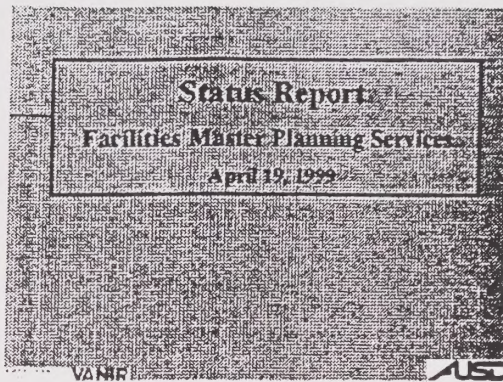
Key Ground Rules

- The interests of the citizens of Alameda will be the first priority of all parties.
- The focus of negotiations will be on reaching mutually-satisfactory agreements, not on assigning blame.
- Parties must agree to an open and honest exchange of information. No surprises!
- Interests and objectives of the parties must be made explicit; no hidden agendas.
- Parties will honor their commitments to attend meetings and provide information.
- Negotiations will not be confidential, but specific information of a confidential or proprietary nature will be protected from improper disclosure as mutually agreed by the parties.

Community Involvement

AUSD believes that the effort to resolve these important issues will benefit from increased public awareness and community involvement. The process for public input must be efficient, timely, and coordinated with the work of the negotiation teams.

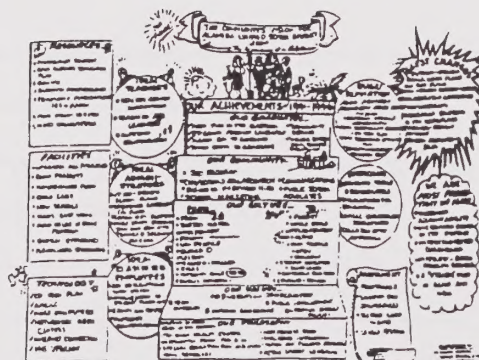
- Rather than create a separate advisory committee, AUSD proposes to add community representation to its existing facilities planning committee, as follows: 1 representative each from the BRAG, League of Women Voters, Alameda Realtors, Alameda Education Foundation; 2 community members chosen by AUSD; 2 community members chosen by the City; 2 city staff members (one each from Planning and ARRA).
- Facilities Planning Committee will hold an orientation meeting in early April for new members, followed by a special Board meeting and community forum on April 19th, focusing on the tentative plan developed by AUSD's consultants. Comments from the community will be considered by the negotiating teams in developing options for agreement.
- The Facilities Planning Committee will be kept informed of the progress of the negotiations and a second community forum will be held in May to present the tentative agreement reached by AUSD and the City. Comments from the community will be considered by the negotiating teams in finalizing the agreement.

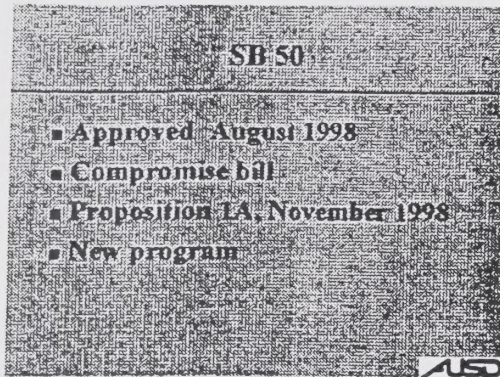


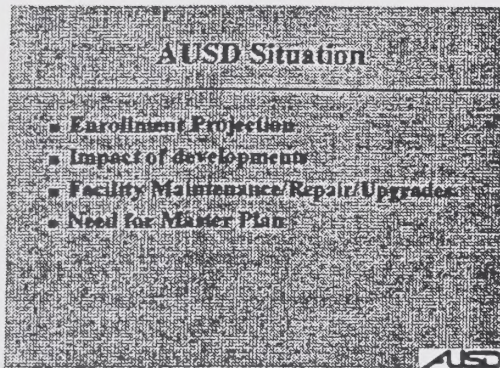
Master Plan

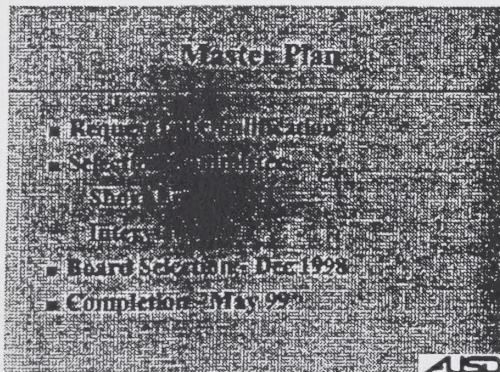
Robert DeLuca, Administrative Director
Maintenance, Operations, Facilities
Alameda Unified School District

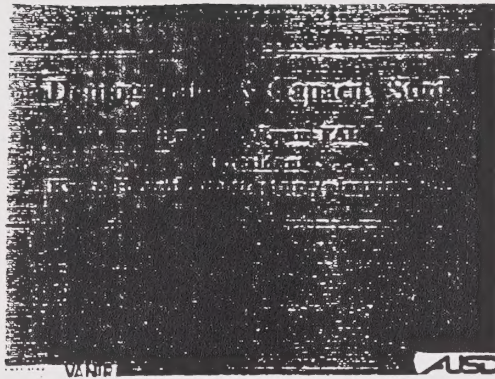
ASD

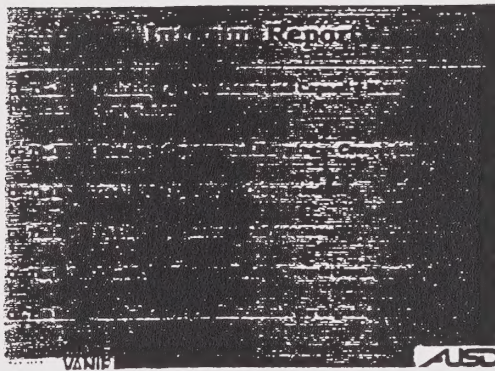












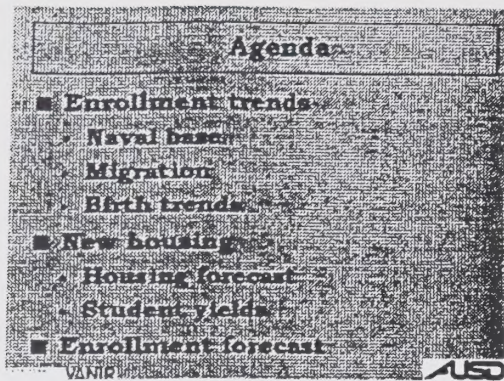
Demographic Analysis

Shelley Lapkoff, Ph.D.
Lapkoff & Gobalet Demographic Research, Inc.

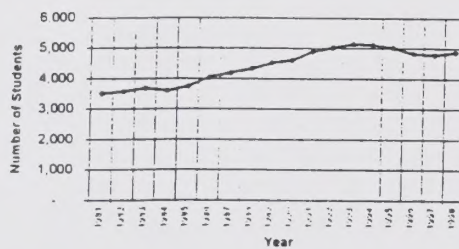


VANIR

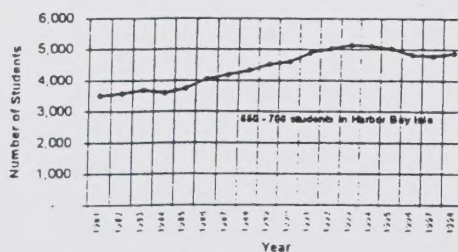
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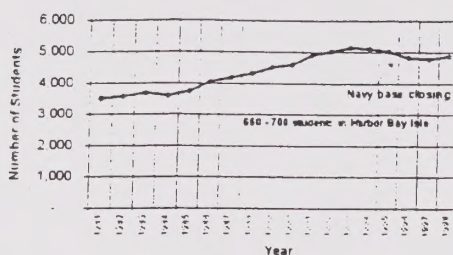
Elementary (K-5) Enrollments, 1981-1998



Elementary (K-5) Enrollments, 1981-1998



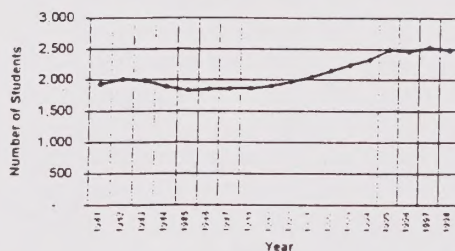
Elementary (K-5) Enrollments, 1981-1998



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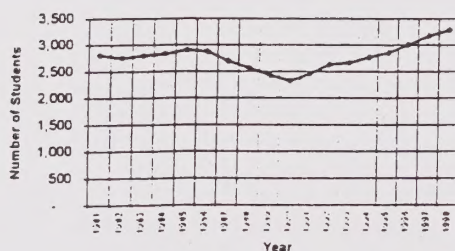
Middle School (6-8) Enrollments, 1981 to 1998



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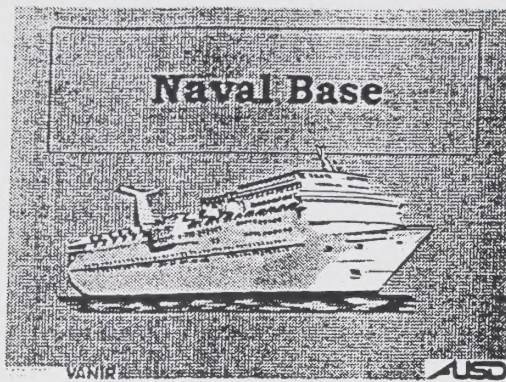
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High School Enrollments, 1981 to 1998



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ASD

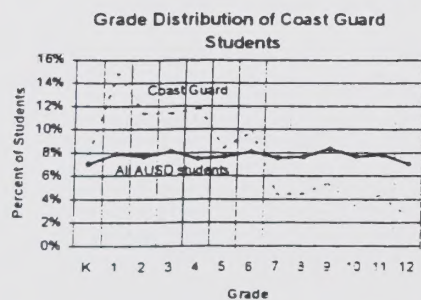


Housing expected on or near base:

Developments	Housing Units
Coast Guard	582
Homeless housing	241
Misc. base housing	68
Castles	500

(Coast Guard currently occupies about 300 units)

VANIR AUSD

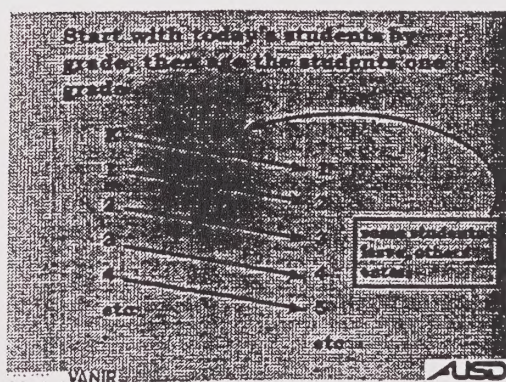


Students expected in new housing:

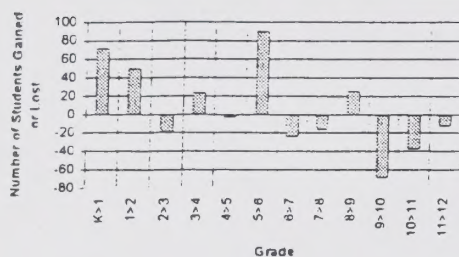
Development:	Students
Coast Guard	400
Homeless housing	200?
Misc. base housing	35
Catellus	285
Total	920
Elementary K-5	540

VANIR ASD



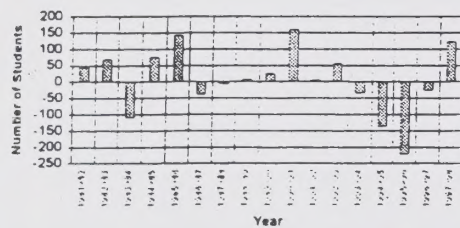


Fall 1997 to Fall 1998 Grade Progressions



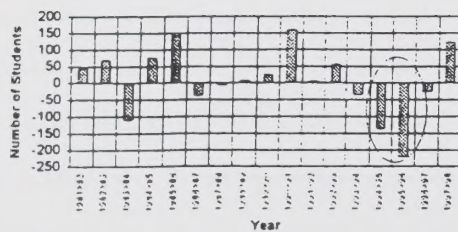
VANIR

ASD

Elementary Grade Progressions
(Grades K-4 into Grades 1-5)

VANIR

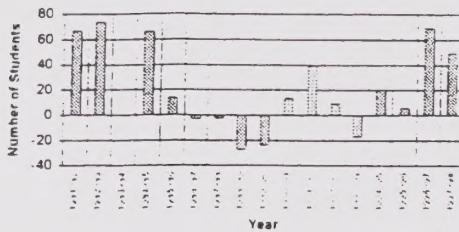
ASD

Elementary Grade Progressions
(Grades K-4 into Grades 1-5)

VANIR

ASD

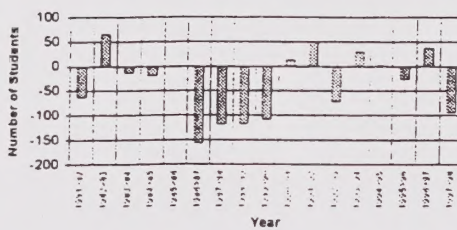
Middle School Grade Progressions
(Grades 5 to 7 into Grades 6 to 8)



VANIR

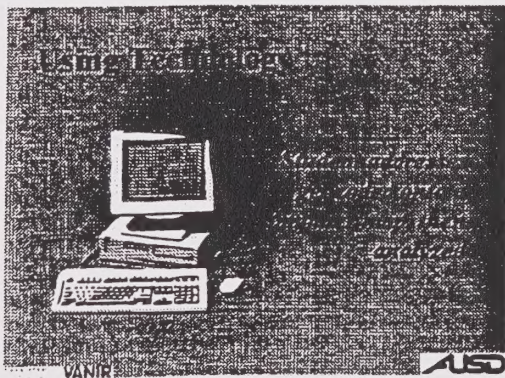
AUSD

High School Grade Progressions
(Grades 8 to 11 into Grades 9 to 12)

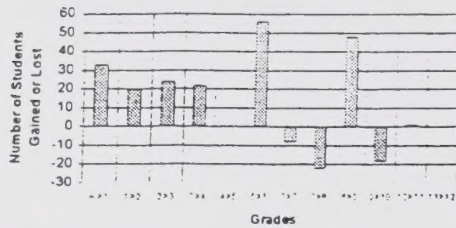


VANIR

AUSD



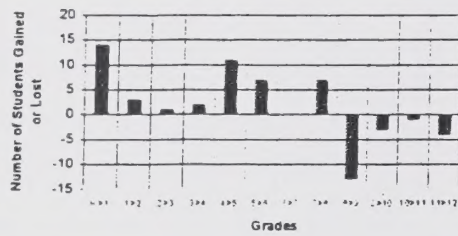
1997>98 Grade Progressions: Main Island,
Excluding Navy area



VANIR

ASD

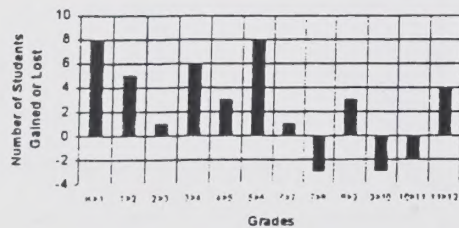
1997>98 Grade Progressions: Harbor Bay Isle,
Excluding Headlands and Freeport



VANIR

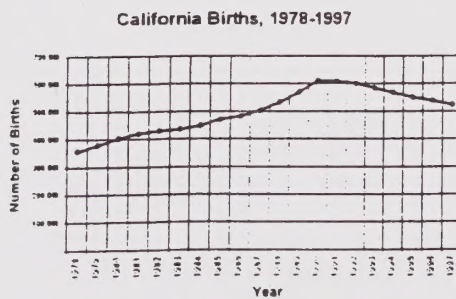
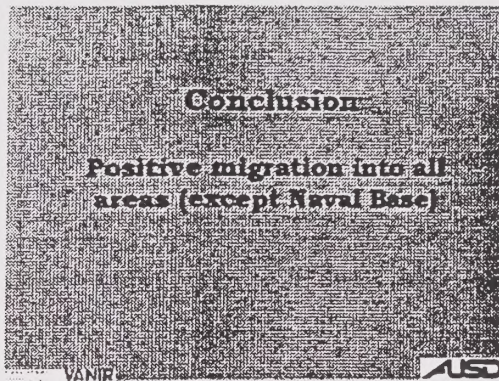
ASD

1997>98 Grade Progressions: Bay Farm
Island, Excluding Harbor Bay Isle

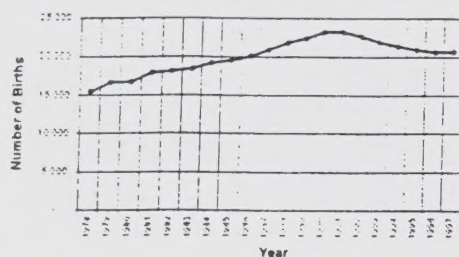


VANIR

ASD



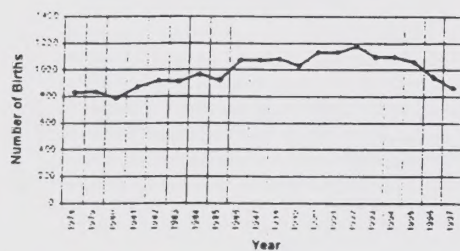
Alameda County Births, 1976-1997



VANIR

ASD

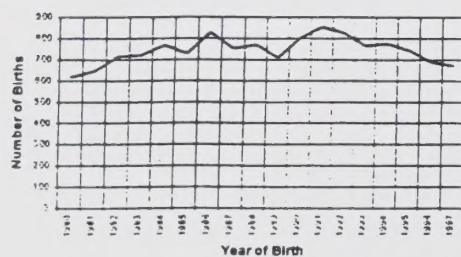
Births to Alameda Unified Residents



VANIR

ASD

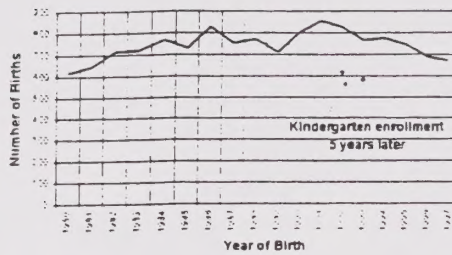
Main Island Births, Excluding Navy Area



VANIR

ASD

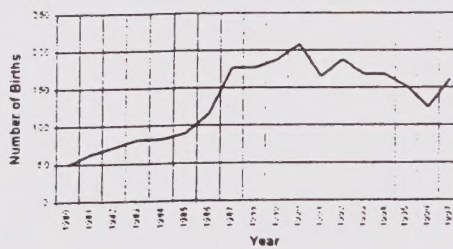
Main Island Births, Excluding Navy Area



VANIR

ASD

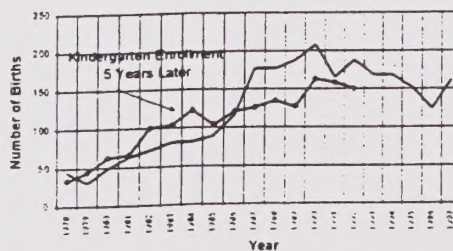
Bay Farm Island Births



VANIR

ASD

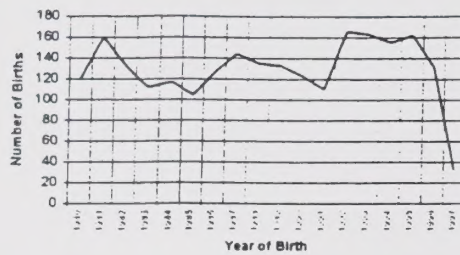
Bay Farm Island Births



VANIR

ASD

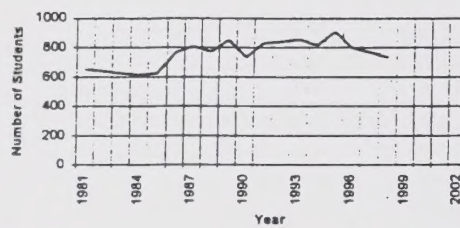
Navy Area Births



VANIR

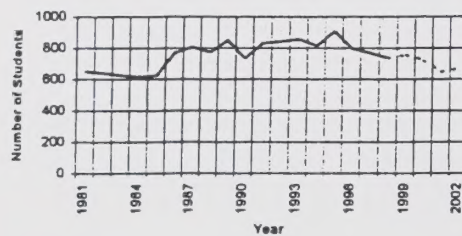
ASD

Kindergarten Forecast



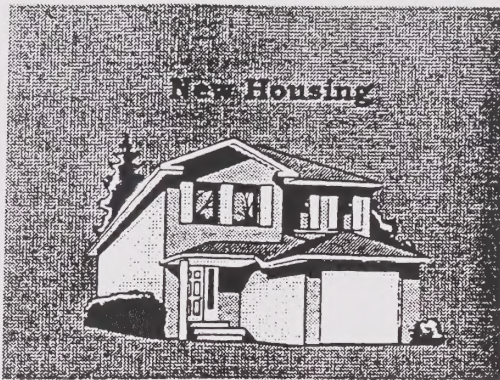
VANIR

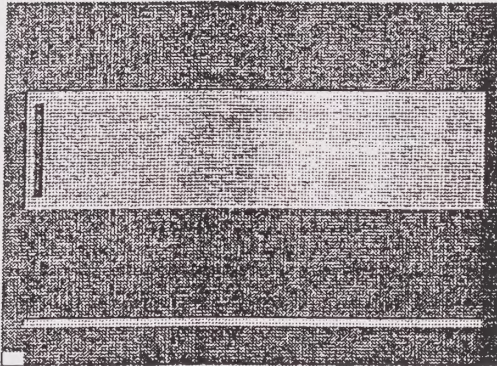
ASD

Kindergarten Forecast
(Assuming No New Housing Except Coast Guard)

VANIR

ASD

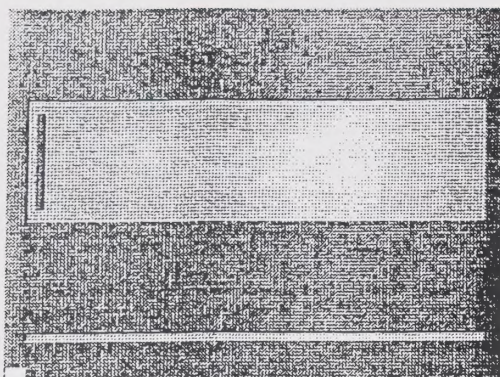




Student Yelms (number of students per housing unit)

- New housing shall include more student units than older neighborhoods.
- Student Yelms shall be:
 - 60 students per single family unit
 - 25 students per townhouse unit
 - 12 students per condominium unit

VANIR ASD



Yields expected in new housing

Development	Students/Unit
Heritage Bay	34
Brasovna/Gardens	34
Homeless housing	80
Catalina	57
R&B/Waycrosser	53
Oak and Clement	34
Baldwin	53
(district avg for SFU = 53)	

VANIR ASD

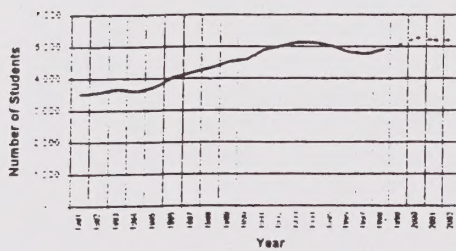
Students from new housing

380000	120000
2000	2000
1500	1500
200	200

VANIR ASD



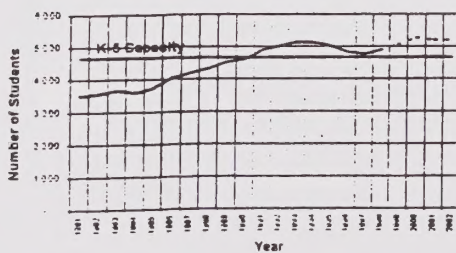
Grades K to 5 Enrollment Forecast to 2002



VANIR

AUSD

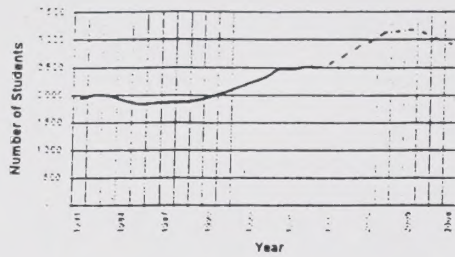
Grades K to 5 Enrollment Forecast to 2002



VANIR

AUSD

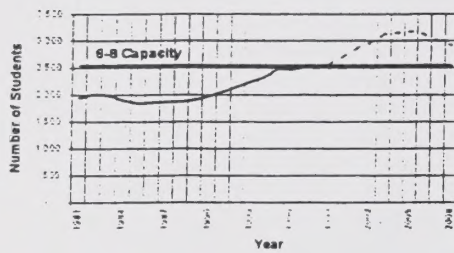
Grades 6 to 8 Enrollment Forecast to 2008



VANIR

ASD

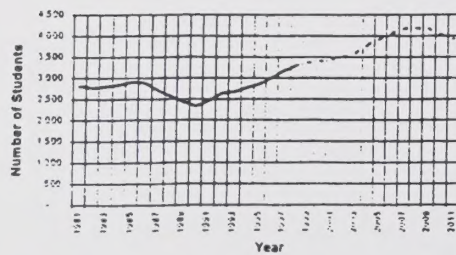
Grades 6 to 8 Enrollment Forecast to 2008



VANIR

ASD

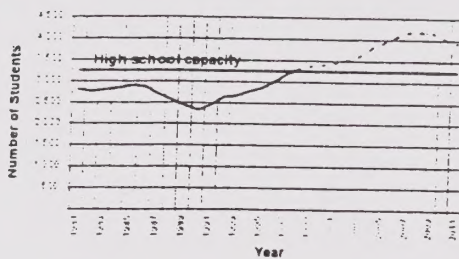
High School Enrollment Forecast to 2011



VANIR

ASD

High School Enrollment Forecast to 2011



VANIR

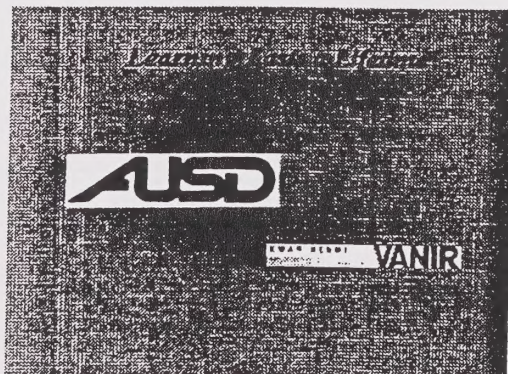
AUSD

Conclusions

- K-5 - at or above 3,000 students
- 6-8 - peak at 3,200 students
- 9-12 - peak at 3,400 students
- Enrollments exceed capacity at every school level
- High and Low enrollment would probably be in 2011

VANIR

AUSD

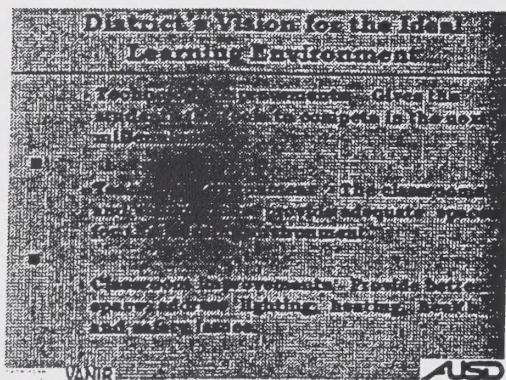
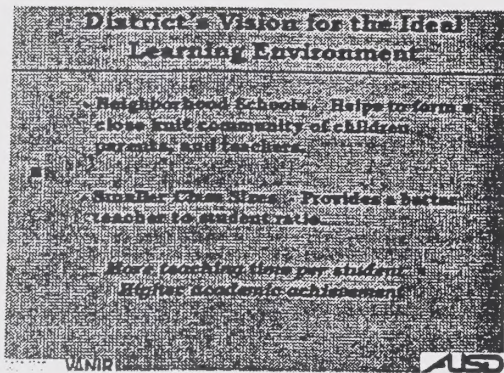


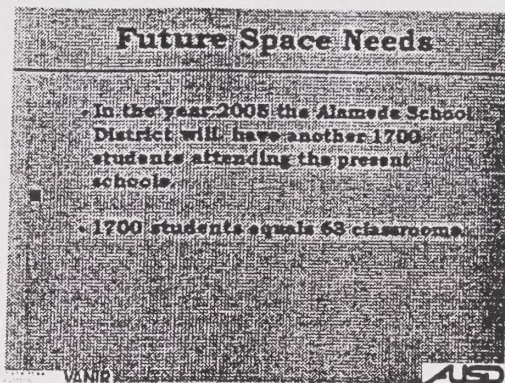
Capacity Issues

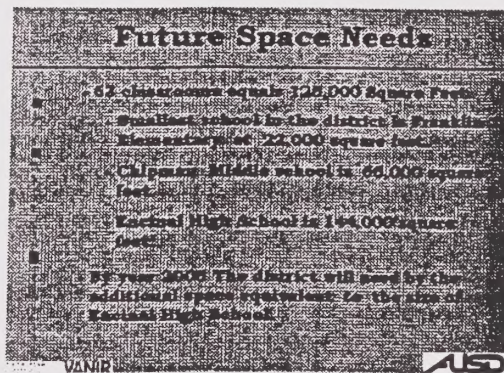
John McCormick - Vanir
Ned Phillips - Kwan Henmi

VANIR

ASD







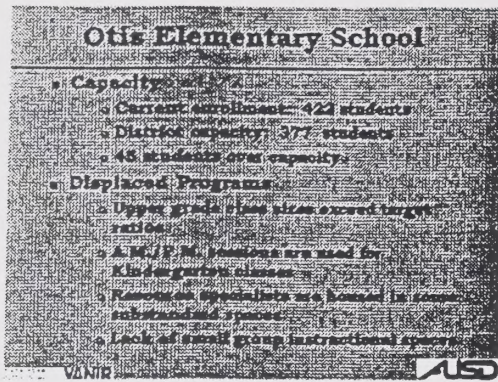
District Wide Capacity Issues

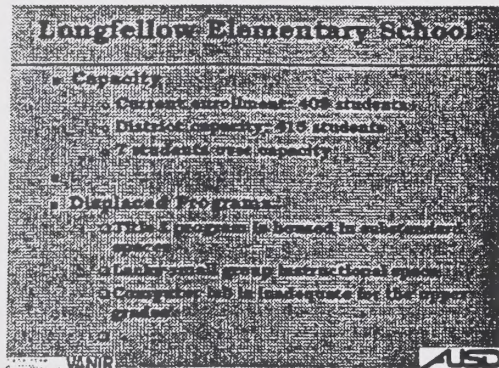
☐ Based on the Vision & goals of the district:

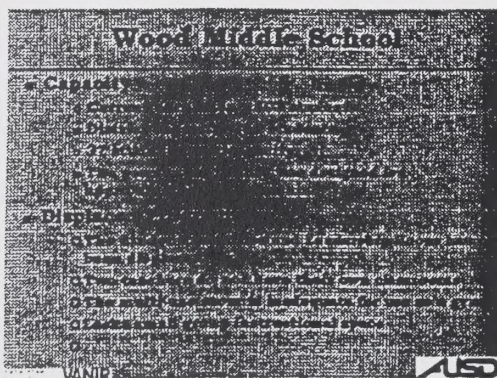
- ☐ ASD is 184 students over capacity
- ☐ 12 of 18 schools are over capacity
- ☐ Of remaining schools, two are less than ten students under capacity
- ☐ Near the former N.A.S. two schools are over capacity
- ☐ All elementary and middle schools in central / east areas are over capacity
- ☐ Many programs important to the district have been displaced

VANIR

ASD







Island High School

- Capacity
 - Current enrollment: 211 students
 - District capacity: 240 students
 - 29 students under capacity
- At the present time, Island lacks many basic facilities including:
 - Displaced Programs
 - Lab space for science rooms
 - Media Center and group study space
 - Computer lab
 - Multi-use / indoor assembly space
 - Outdoor open / P.E. space

VANIR ASD

Funding Issues

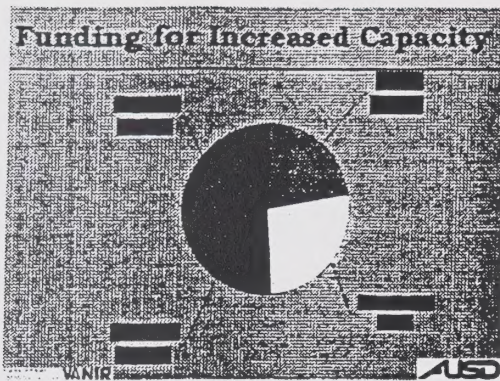
Robert Flory - Vanir

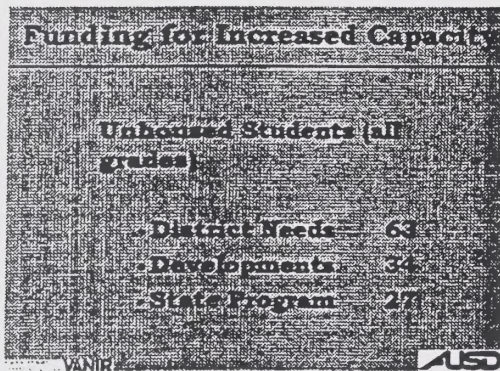
VANIR

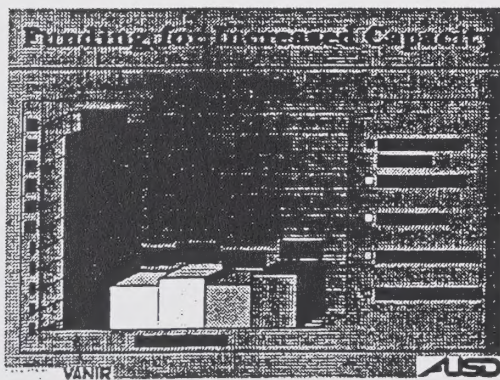
ASD

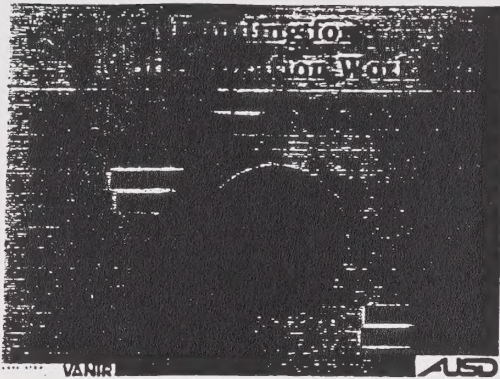
Funding for Increased Capacity

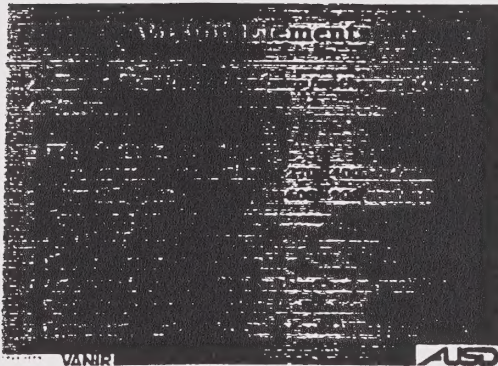
VANIR ASD







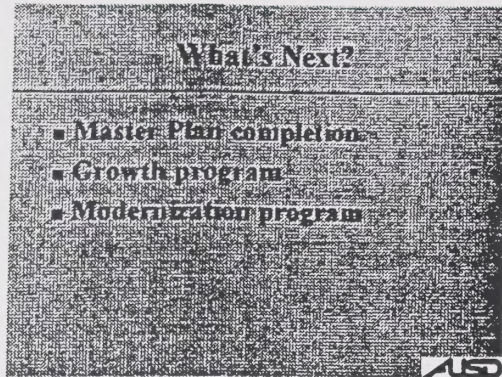


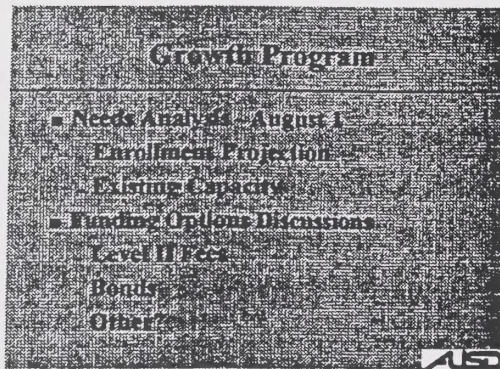


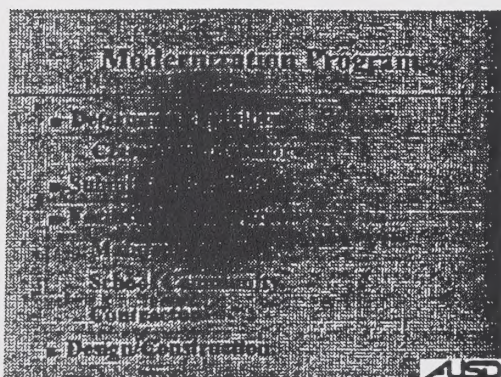
What's Next?

**Robert DeLuca, Administrative Director
Maintenance, Operations, Facilities
Alameda Unified School District**

AUSD







Modernization (cont'd.)

- Eligibility - \$23.7 Million
- State - \$19.0 Million
- District - \$4.7 Million
- Hardship - ?

AUSD

SB 50 Hardship

- Implementation Instructions
- 4 Criteria
 - Bonded 30% Captivity
 - Recruit Bond Election 50% + 1
 - 40% on MFE/R
 - 20% Portability
- 1 January 2000

AUSD

Modernization Timeline

- Approval - May 11
- Design - Sept 1
- OSA Review - Nov 1
- Funding - Dec 15

AUSD

COMMENTOR B4

Alameda Unified School District (Thomas C. Hughes, Kronick, Moskovitz, Tiedemann & Girard). July 6, 1999.

- B4-1 The tentative agreement between the Alameda Unified School District (AUSD) and the City of Alameda regarding the disposition of land from the City to AUSD has not been approved by either agency. Terms of the tentative agreement between the District and the City had not been finalized at the time the EIR was published. The proposed land uses within the Reuse Plan Alternative reasonably reflect AUSD's original PBC application, which was subsequently withdrawn. In addition, as noted in the comment, transfer of NAS Alameda/FISC Alameda to the City of Alameda may occur, but such transfer is not assured until after the EIR has been completed and certification has occurred. Table 2-3 outlines the proposed land uses within the Reuse Plan Alternative. Note that the analysis of uses within this EIR is programmatic and not parcel-specific. When and if the tentative agreement is finalized, proposed uses for the property to be conveyed to the school district would be identified and development would be subject to environmental review.

A reasonable range of alternatives consisting of five program-level alternatives already has been analyzed in the Draft EIR. The Commentor's suggested alternative offers no significant environmental advantages over these five alternatives.

- B4-2 See Response to Comment B4-1.
- B4-3 See Response to Comment B4-1.
- B4-4 The Shilts Study was reviewed by the City of Alameda and was determined to have been reasonably conducted based on appropriate analytical techniques. The outcome of this analysis was relatively close to that found in the subsequent study conducted by AUSD. The Shilts Study analyzed Student Generation rates by housing type based upon a complete citywide survey. The Lapkoff Study, which was released shortly prior to the publication of the Draft EIR, provided estimates of student generation rates by specific residential development project. While the Lapkoff Study provides more detail, no discussion of the study methodology was included and consequently neither the accuracy nor validity of the study can be verified. As the EIR is a program-level document, conclusions regarding the number of students likely to be generated within the proposed project are estimates based on a generalized distribution of land uses. Subsequent analysis regarding impacts on schools would need to be undertaken as specific development projects are proposed.

- B4-5 It is assumed that new school facilities would be provided through a variety of funding mechanisms including statutorily authorized mitigation fees, SB 50 authorized "Level II" fees, tax increment financing, Department of Education grants, and SB 50 grants. SB 50 would apply because development of facilities would be carried out by a non-Federal entity. Because a variety of funding mechanisms could be used, it would be speculative to state what precise funding programs would be utilized or if any shortfall would occur. However, pursuant to Government Code Section 65996, the Lead Agency is required to presume that these sources provide adequate mitigation for school crowding impacts. (Source: Master Plan Demographic Analysis, Lapkoff Demographic Research Inc., 1998.)
- B4-6 The Commentor does not identify which factual statements in the Draft EIR it believes are inaccurate. The Commentor provided a 10-page letter which includes a factual summary of a great number of issues relevant to school facility planning for the Alameda Unified School District (AUSD). Some of this factual information is relevant to this Draft EIR; however, a great deal is not. In addition, the Commentor includes a printed copy of a slide show which provides demographic information regarding enrollment and capacity of the facilities of the AUSD. The information provided by the Commentor refers to enrollment and capacity figures for the 1998/1999 school year. Similar information provided in the Draft EIR covers the 1997/1998 school year which was the most recent information available at the time that the Draft EIR was prepared. Comparing the data provided by the Commentor with the data provided by the Draft EIR, the Draft EIR overstates the existing capacity impacts on AUSD by 378 students. In other words, the Draft EIR estimates that the AUSD can accommodate 378 fewer students than AUSD estimates. Consequently, the Draft EIR's analysis of impacts is more conservative than the information submitted by the AUSD.

In addition, the information provided by the Commentor contains conflicting student generation figures. The Commentor estimates an average student generation factor of 0.628 while the printed copy of the slide show estimates the student generation factor at 0.53. The Draft EIR estimates the student generation factor at 0.484 based upon the existing average student generation rate at Bay Farm Island, as determined in a complete survey of the City in 1998. The information provided by the Commentor also includes estimates of potential development which are inconsistent with the proposed project or any presumed development for the project site at Alameda Point, and in other areas of Alameda.

Finally, the Commentor notes that the preparation of the EIR requires direct consultation with the AUSD. The enrollment and capacity

figures used in the Draft EIR were obtained directly from AUSD. The enrollment projections provided by AUSD were then reviewed by Shilts Consultants on behalf of the City and found to be inadequate because of the survey technique utilized by AUSD's consultant. Moreover, AUSD's projections were subsequently contradicted by a later study performed for AUSD (Lapkoff, 1999). Independent analysis of all available information was performed by the City of Alameda and properly relied upon in the Draft EIR.

- B4-7 The Commentor refers to conclusions in the February 20, 1999 Navy draft *Basewide Feasibility Study for the Former Subtidal Area and Marsh Crust and Groundwater* (FS) about the beneficial use of groundwater beneath FISC Alameda. The draft FS is in the process of being revised. See Response to Comment 4-14. On June 9, 1999, the RWQCB, San Francisco Bay Region issued a letter to the Navy indicating that the shallow groundwater at FISC Alameda is not a potential source of drinking water based on the high total dissolved solids data for the shallow aquifer. The RWQCB letter notes that "the Navy must consider all other potential beneficial uses of the groundwater at the [FISC Alameda] as outlined in the 1995 Water Quality Control Plan, San Francisco Bay Regional Board."
- B4-8 Because the EIR is a program-level document, it does not analyze the impacts from project-specific school development; although, trip generation figures for the alternatives include traffic generated by proposed school facilities. At this time, the locations and design of school facilities are unknown. When AUSD conducts environmental review on specific development plans, project-related traffic, including ingress and egress in the vicinity of the schools, will need to be addressed at that time.



PORT OF OAKLAND

RECEIVED

JUL 06 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

July 6, 1996

City of Alameda
Planning Department
2263 Santa Clara Avenue, Room 120
Alameda, California 94501

HAND-DELIVERED

Attention Ms. Cynthia Eliason

**Re: Comments by the Port of Oakland on the Draft
Environmental Impact Report For Reuse of NAS Alameda
and FISC Annex**

Dear Ms. Eliason:

The Port of Oakland thanks the City of Alameda for the opportunity to comment on the Draft Environmental Impact Report for the Reuse of Naval Air Station Alameda and Fleet and Industrial Supply Center, Alameda Annex and Facility Alameda, California.

The Port of Oakland owns 19 miles of shoreline property along the City of Oakland waterfront. Some of these Port properties are directly across the Oakland Inner Harbor (the Estuary) from areas to be developed as part of reuse of NAS and FISC Alameda. Port properties encompass a wide variety of land uses, including transportation, industrial, recreational, open space, and commercial uses. The Port requests the City of Alameda to take into account nearby existing and near-future land uses along the City of Oakland waterfront, particularly the northern shore of the Estuary, as part of Alameda's land use and project approval decision-making process.

The following are the general comments of the Port of Oakland on the Draft EIR For Reuse of NAS Alameda and the FISC Alameda Annex and Facility. Certain issues arise repeatedly throughout the Draft EIR and are discussed in this letter. A list of detailed comments on particular sections of the Draft

23407
530 Water Street ■ Jack London Square ■ P.O. Box 2064 ■ Oakland, California 94604-2064
Telephone (510) 272-1100 ■ Fax (510) 272-1172 ■ TDD (510) 763-5703 ■ Cable address, PORTOFOAK, Oakland

City of Alameda
 Planning Department
 Comments Submitted by the Port of Oakland on the Draft Environmental Impact Report For Reuse of
 NAS Alameda and FISC Annex
 July 6, 1999
 Page 2

EIR, which should be incorporated as part of this comment letter from the Port, is attached.

1. Failure Of The EIR As A Whole To Comply With CEQA Requirements.

In March 1999, the City announced that after years of attempting to produce a joint EIS/EIR with the Navy for NAS Alameda/FISC Alameda reuse, the City would instead prepare its own EIR while the Navy prepared its own EIS. In transitioning to the separate Draft EIR released in May 1999, there has been an incomplete conversion from an EIS to an EIR. More time and work is required to complete an adequate Draft EIR.

One especially telling sign of the Draft EIR's deficiencies resulting from its recent breakout from the EIS appears in the Executive Summary, which is both internally inconsistent and sharply at odds with the remainder of the EIR. For example, the Executive Summary states repeatedly that the cultural resources impacts of the Reuse Plan, the Residential Alternative and the Reduced Density Alternative would be significant but mitigable. See pages ES-12 (Table ES-3), ES-15 - ES-16. Then, on page ES-21, the reader is told that the demolition of contributing properties in the NAS Alameda Historic District would constitute a significant and *unmitigable* cultural resources impact of the Reuse Plan and all the other reuse alternatives. Similarly, the Executive Summary describes the air quality impacts of all of the Reuse Plan and all alternatives as being less than significant after mitigation; however, the EIR's Abstract -- the very first substantive page of the document -- identifies air quality impacts as being significant and *unmitigable*. The EIR's failure to distinguish consistently between mitigable and unmitigable impacts violates the most fundamental CEQA requirement, that significant impacts of a project be accurately identified for the public and decision-makers.

As another example, the one-page Abstract at the very beginning of the Draft EIR states: "Significant and not mitigable impacts are identified for visual resources, cultural resources, biological resources, and air quality." With respect to the Reuse Plan actually proposed in the Draft EIR, this statement is incorrect. The Abstract's list of unmitigable impacts makes sense, if at all, only as a catch-all for the significant unmitigable impacts of the Reuse Plan and three other reuse alternatives *combined*. The Abstract treats the four reuse alternatives as one undifferentiated mass and tells the reader

B5-1

City of Alameda
Planning Department
Comments Submitted by the Port of Oakland on the Draft Environmental Impact Report For Reuse of
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Page 3

nothing about the impacts of the Reuse Plan actually proposed in the document. Again, this imprecision defeats the informational purpose of CEQA review.

B5-1

Finally, the Draft EIR often does not recognize or comply with either the revised CEQA Guidelines that were issued in October 1998 and are applicable to this EIR, or even the previous version of the CEQA Guidelines. For example, as described in the attached list of detailed comments on the Draft EIR, the Summary chapter of the EIR omits discussions that have long been specifically required by section 15123 of the CEQA Guidelines. As also discussed below and in the attached list, the EIR is fundamentally flawed by its failure conform to CEQA in selecting the year used to establish a "baseline" environmental setting against which the impacts of the proposed project and all alternatives are measured.

B5-2

2. Confusion Regarding Purposes For Which EIR Will Be Used.

The Draft EIR does not clearly describe the purposes for which the EIR will be used. At first, the Draft EIR appears to state that it will be used for, among other things, the "adoption and implementation of the Alameda Point Improvement Project (APIP)," and that the EIR is intended as "environmental clearance" for that particular project. See Abstract and pages ES-1, 1-2, and 1-17. Later in Chapter 1, however, the Draft EIR states:

Future specific reuse actions that will occur on property conveyed to the City of Alameda or other acquiring entities will be subject to detailed environmental analysis under CEQA at the time that specific development plans are presented to the City of Alameda for consideration. These plans would include more detailed development criteria in the areas of public access, circulation and parking, open space and natural resources, recreational facilities, land use mix, and development design standards. The applicability of CEQA review and the level of analysis (i.e., Initial Study/Negative Declaration, Mitigated Negative Declaration or EIR) would depend on the potential impact of the specific proposed uses and the

B5-3

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adequacy of this EIR in addressing those impacts.

The Port cannot tell from the Draft EIR whether the City intends it to be a program EIR that will be followed by more specific documentation whenever a particular project is proposed, or a project-level document that the City could use to approve at least one particular project, the APIP. In addition, the Port is unable to determine from the Draft EIR what, precisely, the APIP entails. In other words, the Port cannot tell whether the City believes it could actually approve building anything at NAS Alameda/FISC Alameda on the basis of this EIR. It is essential that the Draft EIR be revised to clearly address these matters.

B5-3

Even if it is intended as a first-tier, program-level document, the Draft EIR is inadequate. The EIR's failings, discussed in the attached list of specific comments, particularly its failings with regard to traffic impact analysis, render it impossible for decision-makers to make an educated choice between the Reuse Plan and the alternatives. However, if this Draft EIR is to be regarded, not only as a program-level document, but as a project EIR that the City might use in approving construction of an actual project, it is even further from meeting CEQA requirements.

3. Improper and Inconsistent Baseline Years For Impact Analysis

Without explanation, the EIR sets 1990 as its standard "baseline" year, representing the environmental setting against which the severity of impacts is assessed. Page 3-1. Many of the EIR's impact analyses in fact employ various other years as their baselines. (For example, several impact analyses use 1996-1997; the noise analysis uses 1991 and 1985; utilities uses 1993 and 1989.) However, the EIR's analysis of perhaps the proposed project's most important impact area, traffic, rigorously adheres to a 1990 baseline. In fact, where 1990 data were not available for the traffic analysis, available 1994 data were adjusted to "represent" 1990 data. Page 3-135.

B5-4

But this inconsistency, while confusing, is not the most serious failing of the EIR's baselines. Use of a 1990 baseline for this project is simply impermissible under CEQA. The CEQA Guidelines contain a special provision for setting baselines for military base reuse plan EIRs. This section provides that the baseline for assessing the impacts of military base reuse plans may be "the time that the federal decision for

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the closure or realignment of the base or reservation became final." CEQA Guidelines § 15229. In the case of NAS Alameda, that time was October 1993; in the case of FISC Alameda, that time was October 1995.

However, section 15229 of the CEQA Guidelines cannot be employed in reviewing reuse of NAS Alameda. Section 15229 may not be used for EIRs that are not *completed and certified* within five years of the federal decision to close the base. CEQA Guidelines § 15229(f). More than five years have passed since the federal decision to close NAS Alameda, and the EIR cannot rely on that section of the CEQA Guidelines to establish the baseline year. This EIR cannot possibly be completed and certified within five years of the 1993 federal decision to close NAS Alameda.

Therefore, the baseline for environmental review of reuse of NAS Alameda must be set according to the generally applicable CEQA Guideline, which provides that a project's baseline should be the time at which the notice of preparation of environmental review is published. CEQA Guidelines § 15125. The NOP for the Reuse Plan was published in February 1996.

Thus, the baseline for environmental reviewing reuse of FISC Alameda may be 1995, the year of the federal decision to close FISC, and the baseline for reviewing reuse of NAS Alameda must be 1996. In no instance, however, may this EIR use any year prior to 1995 (for FISC Alameda) or 1996 (for NAS Alameda) as its baseline for CEQA review.

The City should appreciate that sound planning and decision-making considerations, as well as legal requirements, dictate that the description of a project's environmental setting is necessary to an understanding of the significant effects of the proposed project and its alternatives. Inadequate consideration and documentation in the EIR of existing conditions renders it impossible for an EIR to accurately assess the impacts the project will have on the environment and appropriate mitigation measures for those impacts. For example, use of a 1990 baseline for traffic analysis, when a baseline of 1995/1996 is required under CEQA, makes impossible the reasoned consideration of that analysis by the public and decision-makers. It is likely that the military bases were generating higher levels of traffic in 1990 than they were in 1995/96. If so, use of 1990 as a baseline year for traffic would mean that the traffic level against which the EIR measures project impacts, at least for certain locations, is deceptively high. This, in turn,

B5-4

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would mean that the EIR underestimates traffic impacts. In any case, it is impossible for a reviewer of the EIR to determine the true severity of the proposed project's traffic impacts, since the EIR compares those impacts to an apparently arbitrarily and antiquated baseline. The same is true of the analyses of other impacts, such as housing, noise and utilities, that use inappropriate baselines.

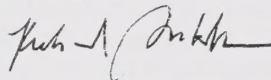
B5-4

The EIR's analysis must be re-done to ensure that all impacts of the proposed project and alternatives are measured against a permissible baseline. So major a change, along with other grounds for revision of the EIR noted in the attached list of detailed comments, requires that a revised EIR be re-circulated for public review and comment prior to certification and project approval.

Please see the attached list for the Port of Oakland's page-by-page comments on the Draft EIR. The Port requests that the City respond to the comments in this letter and the attached list.

Please contact me if you wish to discuss the Port comments further, or if you require information or assistance from the Port.

Very truly yours,



RICHARD H. SINKOFF, AICP
Supervisor Environmental Assessment
Environmental Planning Department

Enclosures

cc & enc.: Charles W. Foster
Raymond Boyle
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James McGrath
Barbara Schussman, Esq.
Gayle Borchard

23407

**PORT OF OAKLAND'S
DETAILED COMMENTS
ON DRAFT ENVIRONMENTAL IMPACT REPORT
FOR REUSE OF NAS
ALAMEDA AND FISC ANNEX**

Summary

The Summary does not comply with CEQA. The Summary must present each significant impact of the proposed project, and it must identify the specific mitigation measure(s) and/or alternative(s) that would avoid or reduce the significance of the impact. (Guidelines, §15123.)

This is usually done in a table, missing from this Summary.

B5-5

Page ES-7: The list of scoping issues should include a new Estuary bridge/tunnel as a separate item, since at least six scoping letters made this request. The new crossing is mentioned in the EIR, but is not evaluated. Air quality, too, is mentioned elsewhere in the EIR as a scoping issue, but is not recognized in the summary of scoping issues. In a scoping letter, the Port specifically requested analysis of dredge material disposal/reuse. This analysis should be added to the list of scoping issues, and analyzed in the EIR.

B5-6

Page ES-19: The EIR suggests that a significant impact related to ozone precursors (i.e., NO_x and ROG) and PM₁₀ is mitigated by a measure that would reduce CO, and no other mitigation is recommended. This does not make sense, given that CO is neither an ozone precursor, nor does it affect PM₁₀. The EIR should recommend mitigation intended to directly reduce O₃ and PM₁₀ emissions from project development.

B5-7

Chapter 1: Project Description

This chapter does not comply with CEQA, in that it does not identify required approvals or the responsible agencies that would use the document to grant such approvals (Guidelines, §15124(d)).

B5-8

Page 1-17: What is the Alameda Point Improvement Project (APIP), which the City states it intends to approve and implement on the basis of this EIR? Is the APIP the same as the Community Reuse Plan, or the Community Improvement Plan? The reader should but is not

B5-9

provided sufficient information to be able to understand the relationships between the various projects and programs, and exactly what is being evaluated in this document and what will require additional environmental review.

B5-9

Page 1-23+: This section describes information on only the 1996 scoping process. There was a second (revised) NOP issued in 1999, and the City received 19 letters. The subsequent scoping process and scoping comments must be described in both the Summary and this section, and the EIR must address all scoping comments.

B5-10

Page 1-26: The response to scoping comments on a new tunnel/bridge between Alameda and Oakland states that “The only additional bridge or tunnel between Alameda and Oakland analyzed in this EIR is a possible cargo crossing under the Seaport Alternative.” This statement ignores the fact that the EIR discusses mitigating traffic impacts by way of a bridge or tunnel Estuary crossing no fewer than 10 times, and repeatedly states that this measure would mitigate traffic and air quality impacts to a level that is less than significant. In fact, the EIR mentions a new crossing both as potential mitigation for the proposed project and the Residential Alternative, and as an integral element of the Seaport Alternative. Nevertheless, the EIR fails to evaluate the potential effects of such a crossing. The EIR must disclose the effects of the crossing both as the effects of the mitigation measure and of the Seaport Alternative.

B5-11

Chapter 2: Alternatives, Including the Proposed Action

Page 2-2: The EIR describes Planning Area No. 4, North Waterfront, as including the Oakland-Alameda ferry service. Assuming this means the ferry terminal, which would require relocation of the terminal eastward to a location east of the Inner Harbor turning basin, the written description conflicts with the graphics in this chapter, which indicate the ferry terminal would be relocated to the west of its current location. This apparent inconsistency should be clarified. If the ferry terminal is relocated east of the turning basin in the North Waterfront

B5-12

Planning Area, there is potential for increased “slow bells” episodes, because a ferry approaching the terminal would pass directly in front of Bay Ship & Yacht.

B5-12

Page 2-12, Table 2-3: The square footage of uses designated “Mixed Core or Mixed Use or R&D or Office/workspace” as described in the Reuse Alternative is approximately 1 million square feet greater than that described in the same category under the Community Reuse Plan. Given the severe traffic and the air quality impacts that would result from the higher level of development, it is appropriate for the City to assess as the proposed project a reduced plan more similar to the Reuse Plan approved by the Alameda Reuse and Redevelopment Authority. At the very least, the EIR must study the impacts of the approved Reuse Plan as an alternative.

B5-13

Page 2-27: The EIR states that transportation improvements identified in the NAS Alameda Community Reuse Plan Transportation Element would be implemented as part of the proposed Project. The EIR does not state whether all or a portion of the improvements would be implemented, and the public should be informed on exactly which improvements are included. Section 4.0 of the Community Reuse Plan describes light rail improvements, which are not described in the EIR, and pages 4-7, 4-12, and 4-14 of the Reuse Plan identify a new bridge/tunnel crossing of the Estuary between Alameda and Oakland. The EIR does not clearly state whether that tunnel/bridge improvement would be implemented as part of the project. The statement on page 2-27 seems to conflict with the statement on page 1-26, which implies such a crossing is not part of the project. The status of such a crossing, and the City’s intentions must be clarified. As the property owner of 19 miles of Oakland waterfront property, the Port of Oakland is keenly interested in facilities that could affect that property. To date, the City of Alameda has not discussed plans for such a crossing with the Port. Nor has Alameda addressed the environmental effects of constructing such a crossing. This is a fatal flaw in the Draft EIR.

B5-14

Pages 2-28, 2-29: It is not made clear in the document how impacts of the Seaport Alternative can be accurately assessed when the location of a major regional transportation feature, such as

B5-15

a crossing of the Oakland Inner Harbor Navigation Channel is not known. In addition, the crossing is described variously in the EIR as an integral element of the Seaport Alternative or as *infeasible* mitigation for the Proposed Project and the Residential Alternative. The EIR is also inconsistent and unclear as to whether a crossing would be dedicated to trucks, or would be a full service facility. If it would be dedicated to trucks, which some descriptions imply, then severe congestion at the Webster/Posey tube, caused overwhelmingly by automobile (not truck) traffic, could not be materially alleviated by such a facility.

Section 2.2.2: There are several fundamental issues with the Seaport Alternative that lead to the conclusion that it is a sham alternative. Its inclusion to the document seems to be to satisfy scoping comments that are no longer relevant. The Port Priority use designation for this area was removed in 1998. Therefore, development of a seaport is no longer recommended for the area by the very agencies that originally designated the site as such.

B5-15

Other problems exist with this alternative, including incomplete definition and analysis. The EIR identifies a new Estuary “cargo crossing” with the alternative, and states that the Alameda terminus of the crossing would be located in the Northwest Territories Planning Area. This would place the Port of Oakland terminus in the area of the Port’s new Berths 57-58. The Port of Oakland has completed environmental review, the majority of demolitions, and has initiated the contracting process for construction of public access, maritime, and rail facilities at the former FISCO site, including Berths 57-58. There simply is no land available for such a bridge or tunnel portal in this area on the Oakland side of the Estuary. A reasonable description of a Seaport Alternative must address these issues, and then re-evaluate the impacts of the alternative based upon the necessary changes to its configuration.

Page 2-33: The statement that “Detailed analysis of a new transportation link is beyond the scope of this document...” is inaccurate. There is nothing to prevent inclusion of this key analysis in the EIR. The impacts of a new Estuary crossing, as well as its effectiveness at avoiding or substantially reducing traffic impacts, are issues that should be addressed now. The

B5-16

EIR cannot simply refuse to analyze key elements of a project or alternative, dismissing them without justification as outside the scope of analysis. The EIR fails to present even a cursory analysis, despite the fact that such a new crossing is identified as potential mitigation for traffic impacts (for the proposed project and the Residential Alternative) and as an integral element of the Seaport Alternative it discusses. Without an analysis, it is impossible to determine if the Seaport Alternative would avoid or reduce impacts associated with the proposed project, or would result in additional significant impacts not associated with the proposed project. Answering such questions is the exact purpose of an alternatives analysis.

B5-16

Pages 2-47, 2-48: In discussion of a Dredge Material Disposal Facility Alternative that is not carried forward, the EIR rejects the alternative, but acknowledges that dredged material might be useful as fill for the Reuse Plan and all project alternatives. Nevertheless, the EIR nowhere analyzes such reuse for fill. Reuse of dredged material (for example, to construct the golf course) may have impacts on the environment that can and should be evaluated in this document. The City has again deferred an analysis that should be presented now. The Port of Oakland made this observation in its letter dated April 1, 1999, as a scoping comment on the revised NOP. Furthermore, the City of Alameda has stated on numerous occasions that reuse of dredged material at NAS Alameda should be kept open as an option in studies for the 50' Dredging Project and of other dredging activities. It is inconsistent to request that the Port continue to evaluate delivery of dredged material to the site and then to refuse to study use of that material in this EIR. Reuse of dredged material at NAS Alameda is a reasonably foreseeable project activity and cannot be segmented from environmental review of the Reuse Plan, nor can it be deferred to a later date.

B5-17

Page 2-49+, Table 2-7: This table provides information required to be in the Summary chapter of the EIR (Guidelines §15123(b)(1)), which is currently not contained in the Summary. The table should be repeated in or moved to the Summary, or the information in the table otherwise provided in the Summary.

B5-18

Page 2-53, Impact No. 2: The impact of deterioration of historic structures should apply to the No Project Alternative as well as the four reuse alternatives.

B5-19

Page 2-56, Impact No. 2: It is unclear why this impact is not different for the Proposed Project and the Seaport Alternative. In fact, the presence of humans and domestic animals in the Northern Territories Planning Area should be less under the Seaport Alternative than under the Proposed Project.

B5-20

Page 2-65, Measure 2a: The EIR states that base elevations should be raised to 100 feet MSL; likely means 10 feet MSL.

B5-21

Page 2-66 Measure 3c: Clarify what “landside dredging” means. This impact is presented as occurring at Sea Plane Lagoon, yet discusses the training wall, which is on the other side of the island. Please clarify.

B5-22

Page 2-70, Impact 3, Reduced Density Alternative: The presentation of this impact obscures the fact that the Reduced Density Alternative would not result in a significant impact to traffic in the Webster/Posey Tubes. This is a critical difference between the Reduced Density Alternative and all other reuse alternatives under consideration. It is important for the public to understand that only one “action” alternative will avoid severe traffic congestion in the tubes. The Reduced Density Alternative is the only alternative that would not require major cutbacks in the proposed development or construction of a new bridge/tunnel across the Oakland Estuary in to avoid unacceptable traffic congestion.

B5-23

Pages 2-70; 4-138, Impact 3, Measure 3a: Implementation of the Proposed Project, Seaport Alternative, or Residential Alternative would result in severe traffic impacts at the Webster/Posey Tubes in the a.m. and p.m. commute hours. A new bridge/tunnel crossing of the Estuary is proposed as mitigation, then rejected as infeasible, because it is not yet planned. CEQA directs that a measure is feasible if it can be accomplished in a successful manner

B5-24

within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors. (PRC §21081(c)). The observation that the crossing is “not yet planned” does not satisfy the level of analysis required by CEQA for a determination of feasibility. This is particularly important in this case, because a plausible alternative mitigation measure is not put forward by the City to mitigate the severe traffic impacts that would result from implementation of the Proposed Project, Seaport Alternative, or Residential Alternative (see discussion, below). If the City is unable after an appropriate effort to identify effective mitigation, it must select an alternative that would avoid this impact or substantially reduce it (either the Reduced Density Alternative or the No Project Alternative), or must make clear in a statement of overriding considerations why a project with such severe traffic impacts is approved.

B5-24

Should the City choose to reconsider this mitigation measure to implement a new Estuary crossing, the EIR must include sufficient analysis of the impacts associated with construction and operation/maintenance of such a facility to support decision-making. Discussion of the effects of mitigation measures may not be excluded from discussion in an EIR. The EIR must make a good faith effort at adequacy, completeness and full disclosure in its discussion of mitigation of the significant environmental effects of the proposed project.

Finally, and importantly, the document throughout implies that a new Estuary crossing, if adopted as mitigation, would alleviate traffic and air quality impacts to a level that is less than significant. The EIR should discuss whether, in fact, a new crossing would instead attract trips, with the result that the traffic bottleneck point is moved further out into the cities of Oakland and Alameda, thus increasing air emissions in those communities.

Pages 2-70; 4-138+, Measure 3b: The EIR offers an inadequate alternative mitigation measure to reduce traffic congestion in the Webster/Posey Tubes. The EIR states this measure “may” mitigate Impact 3 by “limiting traffic levels” at the Webster/Posey Tubes. This measure is inadequate in several ways. First, it contains no positive, identifiable mechanism to

B5-25

avoid or substantially reduce the impact it is supposed to mitigate. Second, because this mitigation measure may involve changes in the Proposed Project, the Seaport Alternative and the Residential Alternative, it may either redefine those activities or fail to provide adequate mitigation for their full effects.

This measure relies on “studying” traffic, “monitoring” development, and delaying development to ensure levels of significance are not exceeded. The measure recommends that - based on results of periodic traffic studies - development of specific parcels at former NAS Alameda be delayed, if development of these parcels would result in traffic levels that “exceed the capacity of the [Webster/Posey] Tubes”. The acceptable LOS in the tubes is defined as level E. This apparently means that the City would allow only enough development to cause the LOS in the Webster/Posey Tube to degrade to near - but not complete - breakdown conditions.

Delaying development, without other fundamental changes in the transportation system, can only delay, not mitigate, the impact. Furthermore, by relying on curtailment of development as described in the EIR under the Proposed Project, Seaport Alternative, and Residential Alternative, the City is simply redefining its reuse of former NAS Alameda and the FISC Annex without providing the public the required opportunity to review such a revised plan and understand its impacts.

Even if the measure were adequate mitigation, it is unclear how it would be enforced. In essence, the City would approve the entire development scheme, but with a vague promise not to implement what is approved until the impacts are more clearly understood. Alternatively, it appears the measure relies on others to implement improvements that will mitigate the effects of City decisions, without any description of what those hypothetical improvements may be (or what their associated environmental impacts would be).

B5-25

The analysis of this measure in the EIR concedes that it only “may” mitigate the impact. The EIR is therefore inconclusive regarding this measure’s effectiveness, yet puts forward no other mitigation for this impact. In the absence of complete and adequate mitigation, the City must find the impact remains significant after mitigation is implemented. This would obligate the City to disclose an unavoidable adverse impact to the public via recirculation of the EIR for review and comment. It also obligates the City to evaluate other mitigation measures to reduce this impact.

B5-25

Finally, with the exception of non-quantitative, conclusionary statements located in the traffic and air quality analyses, the effects of curtailing development as required by Traffic Measure 3b go unexplored. For example, job generation, housing, and recreation opportunities and other project benefits may not be realized if development is curtailed with implementation of this measure. The extent to which these benefits may not be realized must be disclosed.

Page 2-73: All BAAQMD dust control measures should be adopted, or the document should identify why they are not feasible. The Port is particularly concerned that construction-related dust not interfere with the enjoyment of visitors to Jack London Square and Village.

B5-26

Pages 2-74; 4-166+, Impact 2: The air quality analysis states that CO “hot spot” problems at two intersections would be mitigated by a combination of street improvements described in the traffic analysis (and referred to as Air Quality Measure 2a). However, the EIR does not identify which street improvements are included in this measure. The EIR further determines that implementation of these unidentified street improvements would not sufficiently reduce the impact, and also recommends Traffic Measure 3b (curtailment/delay of the full reuse plan) to reduce the impact to less than significant. As demonstrated above, Traffic Measure 3b is inadequate under CEQA. Moreover, whereas the EIR contains quantitative analysis to demonstrate that unidentified traffic improvements would reduce CO concentrations at the two intersections (albeit, not sufficiently to reduce the impact to less than significant), absolutely no evidence is provided to support the statement that Traffic Measure 3b would further reduce the

B5-27

impact to a less than significant level. The EIR simply makes an unsubstantiated claim that the combination of Air Quality Measure 2a and Traffic Measure 3b would reduce the impact to less than significant. This analysis utterly fails to comply with CEQA. A recommendation of real mitigation is lacking, and no good faith effort is made to substantiate the claim that CO impacts would be reduced to a level that is less than significant. Given this, the impact apparently would remain significant, even after implementation of the recommended mitigation. If this is so, the City must disclose it to the public via recirculation of the EIR. The City also must identify and recommend mitigation measures to reduce the impact.

B5-27

Pages 2-75; 4-167+, Impact 3 and Impact 4: This analysis repeats the error of utilizing inadequate Traffic Measure 3b. It also makes an unsubstantiated claim that this measure would reduce significant ozone precursor emissions to a level that is less than significant. Given that significance used to evaluate air quality impacts are numeric, quantification of emission reductions with this measure is critical to understanding of residual impact significance, and should be provided in the text. Moreover, the EIR indicates that a combination of TSM measures and Traffic Measure 3b would reduce Proposed Project emissions of reactive organic gases, NOx, and PM10 by a minimum of 52 percent, 84 percent, and 81 percent, respectively. (See Table 4-31 regarding expected emissions and text for significance thresholds.) This result is not logical. Finally, the actual level of development allowable under the Proposed Project (as would be required by Traffic Measure 3b) to achieve these results should be disclosed in the EIR.

B5-28

Page 2-82, Measure 4: As written, this is deferred mitigation. Please amplify at least the types of measures the City would employ.

B5-29

Chapter 3: Affected Environment

Affected Environment, Land Use

Page 3-8: Note FISCO was conveyed from the U.S. Navy to the Port of Oakland in June 1999.

B5-30

Section 3.1.3: Please add the Airport Land Use Commission and Airport Land Use Plan to the discussion of Regulatory Considerations.

B5-31

Affected Environment, Cultural Resources

Page 3-63, Figure 6-3: Research by Port of Oakland staff during an Historic American Building Survey documentation of the training wall along the north shore of the Oakland Inner Harbor (May 1999) does not support the EIR's conclusion that sections of the training wall along the south shore were "rebuilt," as indicated in this figure. A review of San Francisco District Engineer Reports to Congress between 1874 and 1896 indicates that variation in materials and construction technique, as observed by JRP evaluators, was probably due to changes in quarry locations and/or contractors.

B5-32

Page 3-66: The provisions suggested for the Memorandum of Agreement only concern the treatment of the Historic District. The Navy, SHPO, ACHP and the City of Alameda should include provisions for treatment of the south training wall, in the event that it is determined that this resource would be impacted.

Affected Environment, Traffic and Circulation

Page 3-132: The traffic baseline year used in the EIR is 1990. This is a year when NAS Alameda was in full operation. This baseline year is inappropriate for several reasons:

B5-33

- It in no way represents conditions existing when the NOP was issued. There is no evaluation of how the 1990 baseline year relates to current conditions or conditions in 1996 when the first Notice of Preparation was issued. It is impossible to tell from the EIR what the project impacts are because future forecasts are compared to a baseline that is incorrect. The total number of trips generated today in Alameda may be nearly the same, or less than in 1990, or more than in 1990. Furthermore, the distribution of vehicle trips has shifted from on-base to off-base at the same time that off-base roadways have borne the brunt of regional growth. Using a baseline that represents full operations at NAS Alameda results and an invalid trip distribution pattern likely results in the failure to identify significant project impacts.
- Selection of this year as a baseline does not conform to CEQA guidance regarding permissible baseline years. 1990 does not represent conditions for permissible years under those provisions (for NAS Alameda, 1996, when the first NOP was issued; or for FISC, 1995, when the decision to retire FISC was finalized).

B5-33

Because traffic is such an important issue for this proposed project, the correct traffic data should be used in a new traffic analyses, and the EIR must be recirculated.

Page 3-135: I-880 is now complete and fully operational. The discussion should reflect this.

B5-34

Page 1-136: The EIR text states nine intersections in Alameda were evaluated. The accompanying graphic indicates ten.

B5-35

Pages 3-143; 4-148+: A May 19, 1999 letter from Mr. James Flint, Alameda City Manager, to the Port of Oakland describes an existing traffic-related condition not documented in the setting section. The May letter states: "Alameda has an ongoing problem with unwelcome tractor and trailer parking along roadways in both residential and commercially-zoned districts." The letter cites existing issues related to aesthetics, noise, and pollution, as well as traffic impacts in the Webster/Posey Tubes. The EIR must describe these existing conditions

B5-36

and problems, and analyze how implementation of the Proposed Project or an alternative may exacerbate or alleviate them.

B5-36

Page 3-154: The document needs to be updated where it states that “a second southbound left-turn lane is planned to be constructed on Broadway at 5th Street during 1998.”

B5-37

Chapter 4: Environmental Consequences

Environmental Consequences, Land Use

Page 4-7, Impact 2: The discussion of recreational parking states that severity of land use conflicts between a proposed RV park and surrounding uses cannot be determined, yet proposes mitigation that would reduce them to a level that is less than significant. Without generally understanding the magnitude of the impact, it is not likely that appropriate mitigation can be developed that can make this claim. The impact should remain at a minimum potentially significant after mitigation.

B5-38

Page 4-9+, Impact 3: This analysis of a proposed Estuary crossing under the Seaport Alternative is flawed. The crossing would be from the Northwest Territories Planning Area to Port of Oakland property. Given the geographic range, the Oakland portal would be within the Port’s Berths 55-58 marine terminal area. The plans for the Port’s new marine terminals make no allowance for a tunnel portal or bridge terminus, and there is no room in the area for connectors, etc. Minimizing the effect to major new Port of Oakland facilities is simply not possible, and the Port strongly disagrees that impacts would be less than significant with mitigation. Moreover, because the new crossing in the Northwest Territories is characterized as a “cargo” crossing, it is unclear whether a second new crossing would be required under the Seaport Alternative to relieve automobile and other traffic impacts at the Webster/Posey Tubes.

B5-39

Environmental Consequences, Land Use and Visual Resources

Pages 4-11+; 4-23+: The Land Use and Visual settings do not recognize that the Port of Oakland is undertaking development of major infrastructure, to be completed in 2001, across the Estuary from the Northwest Territories Planning Area.

B5-40

Page 4-28+: The discussion of significance criteria for Population and Housing impacts appears to confuse the analysis of such impacts with the traditional analysis of growth inducement. Sharp changes in population, even without displacement of large numbers of residents or housing, can in fact be quite damaging, placing strain on utilities, public services, housing, recreational facilities, natural resources, etc. Growth that would exceed projections may be considered to be “haphazard” and particularly damaging. This is unfortunately what appears to be the impact of the proposed project and all alternatives. Table 4-5 demonstrates that household growth expected from base reuse is between 87 and 284 percent of the growth projected *for the entire City of Alameda* between 1995 and 2020 by the regional planning agency, ABAG. Table 4-6 demonstrates that population growth expected from base reuse is between 248 and 635 percent of the growth projected *for the entire City of Alameda* between 1995 and 2020 by ABAG. Therefore base reuse would result in population and housing increases far exceeding what has been planned for by the regional planning agency. This may place a strain on utilities or services, especially those that use ABAG projections to assist in their own planning. The EIR must recognize and analyze the significant impacts from such extraordinary population growth.

B5-41

The EIR claims tremendous job generation, and certainly job generation would be one of the greatest benefits of this project. However, the job generation figures do not take into account the need to curtail development in order to mitigate traffic and air quality impacts, as presented in Sections 4.10 and 4.11 of the document, and discussed above in this letter. To make a good

faith effort at full disclosure, the document should state the number of jobs that would be created if development were curtailed to avoid significant air and traffic impacts.

B5-41

Environmental Consequences, Public Services

Page 4-38+: Much of the mitigation for the improvement of utilities and services relies on poorly defined permitting, agreements yet to be negotiated with developers, enactment of City development policies, and “other sources.” Public revenues are specifically stated as a source of mitigation. The City should disclose the cost of service improvements needed for the proposed project and should better define what the mitigation measures will be.

B5-42

Environmental Consequences, Utilities

Page 4-50, Impact 1 and Measure 1, page 4-52: The EIR identifies a 200 percent increase in solid waste generation between 1995 and build-out under the proposed project. Utilities Measure 1 appears to address only the construction phase. Mitigation for the operations/maintenance phase must be developed as well. “Guidelines” are presented as mitigation, but the actual program for reducing waste streams during the operations phase of the project remains unclear.

B5-43

Environmental Consequences, Cultural Resources

Page 4-59, Table 4-11: The summary of Cultural Resources impacts indicates that a significant impact to the south training wall will only occur under the Seaport Alternative. The EIR should analyze the impact of deterioration of this historic structure due to increased public access caused by the other community reuse alternatives.

B5-44

Page 4-63: The EIR is correct in its assessment that Historic American Engineering Record documentation, although it ensures that a permanent record of the historic property will be

B5-45

kept, will not, in itself, mitigate the impact of this alternative to a level that is less than significant. However, this does not necessarily mean that the impact would be not be mitigable to less than significant by other means. The demolition of the south training wall could be mitigated by implementation of a cultural resources treatment plan that incorporates additional mitigation measures that provide for the preservation, public access to, and public interpretation of information gained through the documentation process. Additional mitigation measures should be formulated through consultation with local interested parties and the SHPO if this alternative is chosen.

B5-45

Environmental Consequences, Biological Resources

Page 4-73, Impact 1: This analysis fails to describe the conference center, golf course and club house, and other land uses that could serve as food sources for predator species, increasing predation of California least terns. The same types of mitigation described under other alternatives to address this impact should be included under the Proposed Project.

B5-46

Page 4-75: Night lighting of golf course driving ranges is visible for many miles, and can disturb wildlife (as well as night time astronomy activities). The EIR should commit as part of the project description that nighttime driving range activities would not be part of golf course design and operations. Alternatively, the City should adopt mitigation that prohibits such activity, and this mitigation should be included in discussions of visual and biological resources.

B5-47

Page 4-81: The EIR states that under the Seaport Alternative cargo containers would usually be stacked five high. This is very unlikely. Stacking in a normally functioning container yard is two to three high, in order to minimize multiple handling of a container. While stacking as high as five containers may occur, it is an indication that a terminal is operating beyond its optimal capacity, and is either operating under a constrained or even gridlocked scenario.

B5-48

Page 4-81: The significant and unmitigable impact based in part on “uncontained litter” should be revised. There is absolutely no reason to believe that a normally functioning marine cargo terminal would result in such litter. Cargo is enclosed within heavy steel containers while in the terminal, and is not a source of litter. In particular, the type of food source litter that would attract predator species is simply not an issue for a modern marine terminal, and is much more likely to be associated with food sources, such as would occur under the Proposed Project or the Residential Alternative.

B5-49

Page 4-81: The EIR identifies an unavoidable adverse impact to California least terns, in part related to raptor roosting on large dockside container cargo cranes (so-called “gantry cranes”) proposed as part of the Seaport Alternative. The conclusion that the gantry cranes would result in an unavoidable impact relies on the rejection of a single mitigation measure determined to be infeasible. The measure identified is not the only manner in which raptor activity can be mitigated, and the feasibility of other USFWS-recommended methods should be assessed. In addition, please note that gantry cranes are only one of numerous potential roosting opportunities that would result from proposed re-use of property near the wildlife refuge. Raptors utilize trees, fences, lampposts, buildings, and other above ground facilities as roosts. Please see attached letter from the Santa Cruz Predatory Bird Group.

B5-50

Page 4-83, Measure 4: This measure relies on future study and unspecified mitigation to conclude the impact could be reduced to a level that is less than significant. The measure should commit to incorporating all feasible measures recommended by the resource agencies in order to ensure maximum species protection and a less than significant impact after mitigation.

B5-51

Environmental Consequences, Geology and Soils

Page 4-98+, Section 4.8.2: The discussion of geology, soils, and seismic issues does not generally discuss issues of slope stability relative to construction and operation of a Seaport in the Inner Harbor. A letter dated January 29, 1999, from Ms. Colette Meunier, City of

B5-52

Alameda Planning Department, to the Port of Oakland, cites several of the City's concerns relative to the effect of seaport operations in the Inner Harbor Channel on slope stability. The letter in part states that there could be "...potential significant impacts with increased vessel traffic in the Channel and increased wave wash action on the NAS Alameda shoreline..." The letter goes on to state that "...Alameda ferry terminal has already suffered wave damage from Port operations. Poor slope performance in the event of an earthquake is highly likely." Given the City's strong opinions regarding these issues, it is imperative this EIR address them for the Seaport Alternative. The Port of Oakland is removing more than 5 million cubic yards of material from the north bank of the Inner Harbor Channel to achieve safe vessel operation and slope stability in the Channel. Such a large-scale stabilization project does not assume a seaport operating in the Northwest Territories of Alameda. The Port has spent millions of dollars in engineering studies, including geotechnical studies regarding channel stability, for its Berths 55-58 Project. It is imperative the City not jeopardize the public's investment in Port of Oakland facilities. If the Seaport Alternative is to be carried forward throughout this document in a meaningful manner, its potential effects on slope stability, Port of Oakland facilities, and the Alameda ferry terminal must be addressed.

B5-52

Environmental Consequences, Traffic and Circulation

Page 4-122: In addition to the Port's previous comments regarding inadequacy of the selected baseline year and the inadequacy of mitigation proposed for traffic impacts on the Webster/Posey Tubes, we offer the following additional comments on this analysis. The Port believes that traffic is a critical impact resulting from reuse of NAS Alameda, and concludes that the EIR's traffic analysis is fatally flawed in several areas, in addition to those mentioned above.

B5-53

Assumptions: Trip Distribution. The traffic analysis makes the fundamental assumption that traffic distribution patterns would not be different between alternatives. Assuming this, a seaport would result in the same traffic patterns as a residential

community. This illogical assumption is the foundation of the comparison between alternatives. Because this fundamental assumption is so badly flawed, a meaningful comparison is not possible. Therefore the document does not adequately disclose the information essential to a reasoned decision-making process. Trip distribution must be re-thought, more reasonable assumptions developed, and a new traffic analysis conducted.

Assumptions: Existing Network. Because the baseline year is 1990, portions of the analysis do not take into account the new I-880 (Cypress) Freeway. This is evident in Figure 4-3, which shows the Cypress Freeway under construction. This flawed assumption should also be corrected before the new traffic analysis is conducted.

B5-53

Presentation of LOS Data/Information. It is not possible by reviewing the document to determine the LOS of specific intersections and freeway segments after mitigation. It is therefore not possible to verify that recommended measures are effective and would reduce impacts to less than significant, as stated in the EIR, which does not appear to provide the information in the text. Please identify where, in this EIR section and in Appendix F, the reviewer can find information that describes traffic impacts with and without mitigation, so that a meaningful review can be accomplished.

Page 4-127+: As previously stated in this letter, it is unclear whether the ferry terminal is being relocated west or east of its current location. There appears to be conflicting information in the description of the alternatives. The ferry terminal's future location must be established. Also, analysis of impacts to and from increased ferry operations resulting from substantial numbers of new residents and jobs must be included in the EIR. This analysis should include but not be limited to effects on operations at Bay Ship and Yacht (requiring, for example, slow bell operations by ferries) and Port of Oakland facilities (for example, the effects of ferry wave wash on Port facilities).

B5-54

Page 4-132+, Tables 4-20, 4-23, 4-25, 4-27: The comparative information in these tables is key to an understanding of the different impacts the action alternatives would have on traffic in the Webster/Posey Tubes. Based on these tables, the level of service (LOS) in the tubes would be as follows in the a.m. and p.m. peak commute hours:

Alternative	Peak Hour Level of Service Webster/Posey Tubes	
	a.m.	p.m.
Proposed Project (Reuse Alternative)	F	F
Seaport Alternative	D	F
Residential Alternative	E	F
Reduced Density Alternative	D	D

B5-55

This information shows the only alternative that can be implemented resulting in a minimally acceptable level of service in both the morning and evening commute hours is the Reduced Density Alternative.

Page 4-136, Measure 2a: A proposal to “Work with BART to expand parking opportunities at BART stations” is not adequate mitigation. Mitigation should be specifically described and not deferred for future formulation.

B5-56

Page 4-141: The EIR states that a less than significant impact on transit service would result from implementation of the project, but that operating subsidies “may” be required. The Proposed Project would generate approximately 19,000 direct (on-site) jobs; the number of indirect and induced jobs that would be generated is not reported. A January 29, 1999, letter from Ms. Colette Meunier, City of Alameda Planning Director, to the Port of Oakland presents the City’s concerns regarding the effect on transit service of the 2,600 direct and indirect jobs expected to be generated by the Port’s Berths 55-58 Project. The letter states “The [Berths 55-58] project will generate 2,600 new jobs. These employees will require transit

B5-57

services. Since public transit requires subsidy, the DEIR must address how this additional demand will be accommodated and funded. As mitigation, the Port should pay its pro-rata fair share of the new deficit.” Please include a similar analysis and mitigation in the City’s EIR.

B5-57

Page 4-142, Section 4.10.2; The Seaport Alternative does not analyze vessel traffic. The number of expected vessel calls and turning basin moves is essential information for the analysis of vessel effects on operations at the Port of Oakland, Bay Shop & Yacht, recreational boaters, and the Alameda-Oakland Ferry. A January 29, 1999, letter from Ms. Colette Meunier, City of Alameda Planning Director, to the Port of Oakland presents the City’s concerns regarding ferry operations. In part, the letter states “Alameda would consider an impact on ferry service significant if there were delays on peak period runs...Delays are unacceptable....” The letter further states “A mitigation requiring slow bell operations to occur outside peak [ferry operation] hours must be identified to mitigate this impact to a less than significant level.” Given the City’s strong position on this matter, the EIR should address the issue of effects to ferry operations and incorporate the mitigation as identified in the City’s January 29 letter. Information regarding vessel calls will also be a critical input to the analysis of air quality impacts (see below).

B5-58

Environmental Consequences, Air Quality

Page 4-163+ : The air quality analysis fails to identify all sources of pollutants, analyzing only vehicle emissions. This being so, the analysis cannot accurately assess emissions or appropriately identify mitigation. For example, the Seaport Alternative does not describe emissions from container ships, yard equipment, or tug boats. Other alternatives do not describe non-vehicle sources, such as light industry, wood-burning fireplaces or stoves, etc. This is a fatal technical flaw in the air analysis that must be corrected in order for the City to make a good faith effort to disclose the impacts of the alternatives. Only after such a good faith effort is made can a well-informed reasoned decision regarding the project be based on

B5-59

complete and technically adequate information. A new air quality analysis must be prepared and included in an EIR for recirculation to the public.

In addition, the air quality analysis as presented disaggregates impacts into “pollutant by source.” Significance criteria are based on gross emissions (in annual tons) of each pollutant. While it is important to understand sources so that adequate mitigation can be developed, in order to avoid underestimation of impacts, they should be reported by pollutant (e.g., total tons of PM10 per year for all sources). Disaggregating impacts to pollutant by source simply segments the analysis, and does not result in a good faith effort at disclosure. The analysis should report impacts by pollutant for all sources.

B5-59

Moreover, the Port suggests that mitigation be included that prohibits the use of wood burning stoves and fireplaces. Particulate matter from these sources can adversely and severely affect human health. Wood burning stoves and fireplaces are not essential elements of a home, and should be prohibited.

Finally, mitigation measures must be developed for increases in each pollutant. The Port’s EIR for its Berths 55-58 project provides a list of possible measures. **A copy of this list is attached to these comments.**

Page 4-167, Measure 2b: This analysis relies on an inadequate and fatally flawed approach to mitigation (see discussion above regarding Traffic Measure 3b) to reduce air impacts to a level that is less than significant. Moreover, the conclusion of mitigation effectiveness is a completely unsubstantiated statement – no evidence is provided to show the fully mitigated effect. In fact, Table 4-30 proves that street improvements alone are inadequate, and the analysis does not describe the level of development curtailment needed to achieve acceptable CO concentrations. In the absence of evidence to the contrary, the City must find this impact residually significant, and report it as an unavoidable adverse impact. This would require recirculation of the EIR.

B5-60

Page 4-191: The EIR states the 200+-acre Seaport Alternative would generate 380 truck trips per day. The Port's Berths 55-58 Project, a similarly sized modern marine cargo terminal, would generate approximately 5,200 truck trips a day when fully operational. The Port of Oakland asks that the number of daily truck trips generated by the Seaport Alternative be reviewed; it is possibly a typographic error. If not, the Port contends this description of truck traffic generated by the Seaport Alternative seriously underestimates potential truck trips. This number should be revised and included in revised air quality, traffic, and noise discussions.

B5-61

Chapter 5: Other Considerations

Section 5.1, Cumulative Impacts: The analysis of cumulative impacts fails to meet the requirements of CEQA in a number of ways. In no case does it establish that the contribution of the project is cumulatively considerable, the threshold for including a discussion of an impact in a cumulative analysis (Guidelines §15130(a)). Throughout, the analysis utilizes the concept of "reasonably foreseeable" future projects; this is no longer the standard used by CEQA (it was changed in October of 1998), but rather "probable" future projects, which has a different definition (see below).

B5-62

Table 5-3: Assuming the "list" approach to cumulative impacts analysis is utilized, CEQA requires that only probable future projects be included in the list of future projects. "Probable future projects" are defined in Guidelines §15130(b)(1)(B)2. Assuming the list presented is for future probable projects (a list of past and present actions would be encyclopedic, and in any case is included in the setting), the Port has the following comments:

B5-63

- Project-level environmental documentation for the Port's Vision 2000 Program was completed in June 1999, not July 1997
- As the City is aware, the Port does not intend to relocate a wastewater pipeline between NAS Alameda and Oakland as part of its Vision 2000 Program, and this reference should be deleted

- The ground floor of the Washington Street garage has been occupied by Yoshi's restaurant and club for several years
- The -42-Foot project is complete, and should be deleted from the list
- The -50-Foot dredging project is a USACE and Port of Oakland project, not only a Port of Oakland Project
- Please include creation of 198 acres of productive shallow water habitat as a key element of the -50 Foot Project
- The Cypress Freeway project is a six-lane (not eight-lane) facility, it is complete, and should be deleted from the list

B5-63

Figure 5-1: The graphic inaccurately portrays most of FISCO as non-military prior to reuse. This should be corrected.

B5-64

Page 5-7+: The discussion of Port of Oakland (and USACE) planned activities at the Inner Harbor turning basin is not linked to any project impact, and as such is not germane to the EIR's cumulative impacts analysis. Either this entire discussion should be deleted, or how it relates to the project's cumulatively considerable contribution to a land use impact must be made explicit.

B5-65

Page 5-8: The EIR inaccurately states that no new open space or public access to shoreline areas would occur under the Seaport Alternative. This should be corrected. All alternatives, including the Seaport, make available to the public open space and parks, including shoreline areas that are currently not available to public access.

B5-66

Page 5-9: The cumulative effect of population increases is not discussed in any useful detail. The project would make a cumulatively considerable contribution to this increase.

B5-67

Page 5-9+: The discussion of recreation does not discuss long-term demand for recreational facilities, or whether the project would have a cumulatively considerable effect on that demand.

B5-67

Page 5-11: The discussion of the Port of Oakland's (and USACE) contribution to biological effects and the Estuary Plan, as presented, is not germane to this discussion. It is the cumulatively considerable contribution of the proposed Project that should be evaluated. The discussion should be revised to include analysis of the project, which is currently lacking.

B5-68

Page 5-11, 5-12: The EIR discusses terminal lighting at proposed Port of Oakland facilities (the cranes at the proposed new marine terminals commonly referred to as Berths 55-58). The EIR states that a significant cumulative impact to the California least tern at the proposed wildlife refuge could occur if such lighting were "not properly designed." The Port has every intention of properly designing its crane or marine terminal lighting. The type of terminal lighting as well as limits on its operation were incorporated into project design in consultation with the U.S. Fish & Wildlife Service, and that process specifically addressed effects to California least tern. The EIR does not identify or discuss the contribution of the project to this cumulative impact. Either this information must be included, or if the proposed action does not make a contribution, the discussion is not relevant and should be removed from the EIR.

B5-69

Page 5-12: The document identifies the planned improvements to the navigation channel as "...the Port of Oakland's Oakland Harbor Navigation Improvement... Project." This may imply the Port of Oakland is the sole proponent of the planned improvements. The proposed project, commonly called the "-50-Foot Project" is an action jointly proposed by the U.S. Army Corps of Engineers and the Port of Oakland (and if it proceeds, will do so pursuant to congressional authorization and appropriation).

B5-70

Page 5-13: Please note that the new Port of Oakland maintenance facilities are designed to capture runoff, including spills, and route them to the sanitary sewer for treatment, not to the

B5-71

Estuary. In addition, maintenance activities that could potentially result in spills that might occur under unanticipated upset conditions would be routinely accomplished toward the rear of the 200+ acre site, to avoid conflicts with the movement of cargo in and around the wharf area. The likelihood of a spill reaching the waters of the Estuary is very remote, and speculative under CEQA. If properly designed, modern landside seaport facilities should not have a significant cumulative effect on water quality.

B5-71

Chapter 6, Consultation and Coordination

Page 6-4 and 6-6: The text states that the project mailing lists for scoping (the one for issuance of the initial NOP and for the revised NOP) are listed in Appendix B. These statements are not accurate.

B5-72

Berths 55-58 Project EIR

Table C2-2
Potential Operational Air Quality Impact Mitigation Measures
 (Page 1 of 4)

ID	Measure	Description	Other	Ships	Ships Hotelling	Tugs	Trains - Line Haul	Trains - Switching	Light- Duty Vehicles	Transport Trucks	Cargo Operations (Yard Equipment)
1	Add selective catalytic reduction	Treat NO _x with SCR systems		X		X	X	X			
2	Retrofit existing locomotive engines	Retrofit locomotives to meet 2000 & 2004 standards					X	X			
3	Install new engines	Retrofit with new, cleaner-burning engines				X				X	X
4	Combustion optimization	Retrofit engines with timing retard, compression changes, and other adjustments to reduce emissions		X		X	X	X		X	X
5	HDD exhaust after treatment	Install oxidative catalyst, particulate traps.				X	X	X		X	X
6	Reduced sulfur in engine fuel	Require use of reduced sulfur in fuels while in San Francisco Bay		X	X	X					
7	Cold ironing (shore-side electrification)	Shutdown ship engines and use electrical power at berths			X	X					
8	Zero-emission vehicles	Purchase of zero-emission LD vehicles							X		
9	Fuel modification for diesel and gasoline engines	Use of alternate fuels such as CNG, LNG, methanol, etc. instead of diesel and gasoline				X	X	X		X	X
10	HDDV system electrification	Provide electrical power at truck storage areas								X	
11	Alternate fuel trucks to head of queue	Trucks using alternative fuels would be able to move to the head of the queue and thus reduce waiting times								X	
12	Reduce ship speeds in harbors	Reduce ship and tug boat speeds during harbor operations		X		X					
13	Minimize truck idling	Minimize trucks idling to reduce emissions								X	

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Appendix C2

Evaluation of Air Quality Mitigation Measures

Table C2-2
Potential Operational Air Quality Impact Mitigation Measures
(Page 2 of 4)

ID	Measure	Description	Other	Ships	Ships Hoteling	Tugs	Trains - Line Haul	Trains - Switching	Light- Duty Vehicles	Transport Trucks	Cargo Operations (Yard Equipment)
14	Triple trailers	Allow triple trailers to reduce number of truck visits to port								X	
15	Synchronize traffic lights	Synchronize traffic lights in the area impacted by project traffic to minimize congestion							X	X	
16	Limit truck speeds	Limit the speed of trucks on site								X	
17	Configure parking to minimize traffic	Configure parking to minimize traffic interference and prevent excess emissions from idling								X	
18	24-hour truck parking and use	Allowing easy access to a truck parking facility 24 hours per day								X	
19	Transit alternatives for Jack London Square customers	Implement measures to increase the use of transit alternatives for Jack London Square.	X (transit)						X		
20	Participate in the "Spare the Air Days"	Implement ride sharing and transit subsidies during high air pollution days	X						X		
21	Mass transit subsidies	Provide Port employees with mass transit passes							X		
22	Parking	Institute employee parking cash-out policy; implement parking fee system; restrict the supply of parking at Port facilities							X		
23	Trip reduction - employees	Develop trip reduction program for Port employees							X		
24	Provide off-site parking	Provide remote parking and shuttle service for employees							X		
25	Engine maintenance	Scheduled maintenance for all Port-and tenant-owned vehicles							X		X
26	Remote sensing/ repair subsidy	HDDV repair subsidy program								X	

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Berths 55-58 Project EIR

Table C2-2
Potential Operational Air Quality Impact Mitigation Measures
(Page 3 of 4)

ID	Measure	Description	Other	Ships	Ships Hoteling	Tugs	Trains - Line Haul	Trains - Switching	Light- Duty Vehicles	Transport Trucks	Cargo Operations (Yard Equipment)
27	Roadside truck inspections	Implement random HDDV roadside emission testing								X	
28	Add trees and park buffers as air pollution mitigation	Design landscape at Port boundaries to include trees and park for buffers to the West Oakland area	X								
29	Street sweeping	Implement street sweeping and cleaning at regular intervals in Port area and West Oakland area	X								
30	Open area dust mitigation (outside Port boundaries)	Use vegetation, pedestrian sidewalks, paving to reduce dust from open areas in the West Oakland neighborhood	X								
31	Emission reduction from sources in West Oakland (outside Port boundaries)	Based on a windshield survey of potential sources in West Oakland, identify sources that might be controlled to create emissions reductions	X								
32	Wind breaks	Install wind breaks, plant trees, etc. on the windward side of Port facilities	X								
33	Emissions credits purchases	Purchase banked emissions credits from BAAQMD and offset project emissions increases	X								
34	Air monitoring installation	Install additional air monitors in the West Oakland area	X								
35	Emission credits - West Oakland area	Purchase BAAQMD emission credits for use in the West Oakland Area	X								
36	Grade Separation	Provide grade separation between Port & West Oakland area									X
37	Electrification of cargo handling equipment	Convert combustion sources such as cranes and loading dock container handlers, etc., to electrical power									X

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Appendix C2

Evaluation of Air Quality Mitigation Measures

Table C2-2
Potential Operational Air Quality Impact Mitigation Measures
(Page 4 of 4)

ID	Measure	Description	Other	Ships	Ships Hotelling	Tugs	Trains - Line Haul	Trains - Switching	Light- Duty Vehicles	Transport Trucks	Cargo Operations (Yard Equipment)
38	Berthing fees	Establish emission-based berthing fees			X						
39	Direct dock access trains	Redesign JIT project for direct dock access by trains									X
40	Reroute truck routes in West Oakland	Avoid truck traffic on West Oakland streets to the extent feasible								X	
41	Truck driver training	Training for truck drivers on danger of air emissions								X	
42	Truck fines for non-compliance with emission regulations	Develop system of fines for trucks not complying with emission regulations								X	
43	Install new low emission bus engines	Retrofit AC Transit buses with new low emission engines	X								
44	Scrap older automobiles	Buy old, relatively high polluting cars to take them off the road							X		

1:PORT OF SAN FRANCISCO AIR QUALITY IMPACT STUDY 122-1000 12/1/08

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1:PORT OF SAN FRANCISCO AIR QUALITY IMPACT STUDY 122-1000 12/1/08

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SANTA CRUZ, CALIFORNIA 95064

Jim Browning
USFWS
Sacramento, CA

Received
6/24/97

Hello:

Here are my comments on cranes, terns, and peregrines at the Port of Oakland. I hope some of this is useful in your efforts; I know you know much of this or we have discussed some topics briefly.

General ecology: Peregrines are aerial predators that 99+ percent of the time eat small birds and bats they catch in the air. They do not hunt from perches directly, flush prey from the ground, or capture prey on the ground like gyrfalcons, prairie falcons, and kestrels except in unusual cases. It is an unusual case, but a few peregrines have been seen eating least tern babies at ground nests in colonies. The peregrine recovery was designed to restore the population size and range of the species and increase productivity. We expected them to eat a large variety of species, including colonial seabirds. This function as primary predator of aerial species is thought to be an important ecological contribution overall. When they eat critically-endangered species it may not be beneficial. We believe the vast majority of least terns taken are eaten by non-nesting peregrines while terns forage or migrate in areas away from nesting colonies. Peregrines definitely eat least terns; terns are a perfect prey item – small, red meat, easy to catch.

Peregrines were restricted by DDT poisoning, not habitat loss. They are recovering rapidly. Their habitat is aerial without impact by changes to terrestrial environments.

Predators live where prey is abundant. Man-made perches are a recent phenomena evolutionarily, hence absence of perches does not reduce the number of predators. Perches may enhance the predatory efficiency of red-tailed hawks and kestrels for example, but are largely irrelevant to peregrines or harriers. The presence alone of a perched (even non-hunting) raptor can disturb colonies of terns. Prey, not perches, attracts predators. The new cranes would likely be perches for birds that would be interested in attacking birds on the ground in the colony as opposed to birds foraging in new or old habitat.

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dict. We have seen immature peregrines, non-territorial adults, and post-breeding adults all become tern predators. These birds all continued to eat other species as well.

Apparently, terns are not significantly reduced by pesticides, shooting, etc. They are generally reduced by habitat loss - possibly foraging or prey availability has been reduced; certainly nesting sites have been reduced.

The current thinking among tern biologists fuels the practice of predator control to increase population size. The actual factors regulating the California population are not clearly understood. However, colony-site availability is low and killing predators to increase productivity it is hoped will result in increased population size in remnant colony sites. It is not actually known if increasing productivity of fledglings results in increased population size since mortality rates for fledglings and adults is unknown. The population size has increased in California with predator control. Other tern colonies in other areas without predator control have increased and in some areas decreased. Predator control includes very rare and declining species in area of tern colonies such as burrowing owls and harriers and is being expanded to include non-lethal management of endangered peregrines. Predator control will have to continue indefinitely with the current program. In general conservation circles, predator control is not usually considered a valuable way to increase population size. It is usually associated with increasing harvestable surplus. However, with trends toward decreased habitat and maximizing occupancy of remnant "refuges", predation will become an increasing impact.

Specifics of Alameda - Port of Oakland site: Perching, and more importantly, nesting, occurs much more commonly on unused, isolated cranes. Active, busy harbor cranes are less-frequently used. The lighting situation can likely be mitigated easily with shields, hoods, barriers, etc. during construction if impact zone of lights is actually near the colony.

There are plenty of perch sites near the colony for predators. The colony, like many tern colonies, even has a fence around it that perching birds can use, since terns are essentially defenseless. It would not enhance the situation to add perches or cranes, but the proposed cranes do not seem to significantly alter perch availability. There are thousands of perches well within existing foraging ranges - including flat, open-ground perching for hundreds of yards around the colony.

If the tern colony expands, more predators will be attracted. Perches do not increase predators; tern numbers do. Perches can enhance predatory efficiency of some species, but those species already have more than adequate perch opportunities available.

Nesting periods of virtually all raptors in the San Francisco Bay will overlap with the tern nesting cycle. For example, fledging peregrines are learning to fly and hunt approximately when baby terns fledge. However, at Alameda Naval Air Station, predation is even more likely to occur due to non-nesting raptors as part of the immature or "floating" adult portions of each species' population.

Conclusion: Additional cranes will likely be active and thus used infrequently if at all by raptors. The tern colony will attract predators every year with or without these cranes. If the colony expands, predation will increase and closer perches could increase predatory efficiency of red-tailed hawks and kestrels (but not peregrines and harriers) if cranes are dormant. Predations by native species are appropriate and will continue, but without enhancement of colony site and foraging areas, predator control will likely continue. Colony size and numbers are unlikely to

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KINKOS SANTA CRUZ

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increase substantially and will be very vulnerable to other pressures and could decrease regardless of crane presence or absence. Virtually all San Francisco Bay area habitat for nesting terns has been lost - the colony itself is on human-altered and -created land (runway on fill) that will be potentially impacted by a huge variety of base closure changes of which crane installation will only become one more of the constellation of potential impacting pressures.

Should any individual raptor become a real predatory problem, lethal and non-lethal alternatives are available. The peregrine protocol in place can easily be modified for other species.

I suspect the cranes alone will have no impact on the colony. If foraging habitat is enhanced that alone to me seems to make cranes desirable. However, the vast number of potential and increasing impacts seems to make additional cranes a small piece of eventual loss of this colony.

Many thanks for including us in this discussion. We really appreciate it

Brian James Walton

[This document is available for review at the
City of Alameda Planning Department]

HISTORIC AMERICAN ENGINEERING RECORD

OAKLAND HARBOR TRAINING WALLS
(Oakland Inner Harbor Jetties)

HAER NO. CA-239

Final Report: May 12, 1999

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COMMENTOR B5

Richard H. Sinkoff, AICP, Supervisor Environmental Assessment, Environmental Planning Department, Port of Oakland. July 6, 1999.

- B5-1 Tables ES-3 and 2-7 show significant and mitigable cultural resources impacts for all alternatives except the Seaport Alternative. The summary of findings regarding cultural resources provided on pp. ES-15 and ES-16 is consistent with the Table ES-3. As noted by the Commentor, the summary text on Page ES-21 is not consistent with the Draft EIR's actual conclusions. That summary text has been revised as follows to clarify, as stated elsewhere in the Draft EIR, that demolition of buildings that contribute to the NAS Alameda Historic District associated with all of the reuse alternatives would result in *significant but mitigable* impacts; however, demolition of the Training Wall under the Seaport Alternative would be *significant and unmitigable*.

Page ES-21, Bullet 3: "*Cultural Resources*. All of the reuse alternatives would result in the demolition of contributing properties in the NAS Alameda Historic District. ~~Because contributing buildings to the NAS Alameda Historic District would be demolished, this impact would be significant and not but mitigable under all of the reuse alternatives.~~ Under the Seaport Alternative, however, the Training Wall would also be demolished, which would be a significant and not mitigable impact."

The Draft EIR also contains inconsistency in its summary of air quality impacts. Table 4-28 (Summary of Air Quality Impacts) indicates that none of the alternatives would result in *significant and unmitigable* impacts, while the Abstract at the beginning of the document indicates that *significant and unmitigable* air quality impacts are identified in the Draft EIR. The Abstract has been corrected as follows to exclude air quality from the list of significant and unavoidable impacts. (It should be noted that CEQA does not require inclusion of an abstract.)

Abstract, Paragraph 3, Sentence 3: "Significant and not mitigable impacts are identified for visual resources, cultural resources, and biological resources, ~~and air quality.~~"

- B5-2 The Commentor does not specify what he believes is missing from the Draft EIR Summary pursuant to CEQA Section 15123. As required by Section 15123, the EIR contains a summary of: 1) each significant effect on the environment with proposed mitigation measures and alternatives that would reduce or avoid that effect (pages ES-11 to ES-20 and Table 2-7); 2) areas of controversy (Scoping, pages ES-6 and Es-

7); and 3) issues to be resolved, including the choice among alternatives and whether or not to mitigate the significant effects (Table ES-3).

The City has met its obligations under CEQA Section 15229 (which addresses establishment of a baseline for environmental review of military base reuse plans) in the following manner:

A Note of Adoption of Baseline Analysis was prepared and circulated to Responsible and Trustee agencies and interested parties for 30 days. This notice, a copy of which is provided in the Draft EIR in Appendix B, clearly identifies the baseline physical conditions to be used in the document for each resource/topic area. On August 11, 1998, the City held a public hearing in which the baseline conditions were specified and adopted.

The City received two comment letters in response to the Notice of Adoption of Baseline Analysis. The City formally responded to one of the comment letters. The City's response (letter to Reed W. Super dated November 16, 1998) has been added to Appendix B of the Draft EIR (see Chapter 4 of this document). The other comment letter did not raise any issues regarding the adoption of baseline physical conditions. Please see Response to Comment B5-4.

- B5-3 Both the purposes for which the EIR will be used, and the intended use of the EIR as a program-level document, are clearly outlined in the Project Description. As stated on page 1-17 of the Draft EIR, "...the EIR would be used by the City of Alameda to accept the conveyance of property, to adopt any necessary amendments to the City's General Plan, and in any other approvals needed to implement the Reuse Plan. The City of Alameda and the Community Improvement Commission (CIC) of the City of Alameda will use the EIR as they adopt and implement the Alameda Point Improvement Project (APIP) and the projects to be undertaken as part of the APIP plan. The certified EIR also would be used to amend other applicable plans, and as a program-level document for purposes of the environmental review of individual development projects."

This document is not intended to fulfill CEQA requirements for project-level environmental analysis of specific redevelopment projects which will be carried out to implement the APIP CIP. As stated on Page 1-19 of the Draft EIR, "Future specific reuse actions that will occur on the property conveyed to the City of Alameda or other acquiring entities will be subject to detailed environmental analysis under CEQA at the time that specific development plans are presented to the City of Alameda for consideration. These plans would include more detailed development criteria in the areas of public access, circulation and parking, open space and natural resources, recreational

facilities, land use mix, and development design standards.” Please see Response to Comment C5-1.

- B5-4 CEQA Guidelines Section 15229 provides the CEQA lead agency with an alternative to the standard environmental baseline requirements in Section 15125 if the EIR for a military base reuse plan is “completed and certified within 5 years from the date that the federal record of decision was rendered” (Guidelines §15229(f); also Guidelines §15125(b)). The date of the federal record of decision is not the same as the date of Congressional legislation closing NAS/FISC (October 1, 1993 or February 27, 1996).

Such an interpretation of Section 15229 cannot be reconciled, however, with the plain language of either Section 15229 or Public Resources Code Section 21083.8.1, which is the statutory authorization for Section 15229. Inasmuch as Section 15229 refers to the “record of decision” as the trigger for the five-year time period in which to certify the CEQA EIR, and no record of decision has yet been prepared for the “military base... closure or realignment and reuse,”¹ the statute and guidelines must be read as referring to the federal record of decision on the EIS for the reuse plan in order to avoid rendering that language meaningless.

Such interpretation is also consistent with the intent of the Legislature in enacting Public Resources Code Section 21083.8.1. Indeed, the legislative history indicates that the measure’s proponents sought to “expedite preparation of the EIR by allowing it to more fully adopt the federal EIS. Currently the Army and Navy use pre-closure conditions as the baseline for evaluating impacts of reuse in the EIS that they prepare for closing bases.” City of Vernon v. Bd. of Harbor Commissioners, 63 Cal.App.4th 677, 693 (1998) (quoting the analysis of the Senate Committee on Governmental Organization).

CEQA strongly encourages the use of combined EIS/EIRs whenever possible (Pub.Res.Code §21083.7; Guidelines §15222). CEQA also permits the lead agency to use an EIS as an EIR to the extent that the EIS meets the substantive requirements for an EIR. (Pub.Res. Code §21083.5; Guidelines §15221.) Section 15229 reinforces these policies favoring utilization of existing environmental analysis in the context of military base closure. *See, e.g.*, Guidelines §15229 (“When preparing and certifying an EIR for a plan of reuse of a military base, including when utilizing an Environmental Impact Statement...” and §15229(a)(3)(A) (“...specify particular physical conditions, if any, which it will examine in greater detail than were examined in the EIS”).

¹ Pub. Res. Code §21083.8.1(d)(3) and Guidelines §15229(f) (emphasis added).

NEPA authorizes the use of the last year of full operation as the appropriate baseline physical conditions for an EIS. City of Vernon, 63 Cal.App.4th at 693 n.16 (citing Conservation Law Found., Inc. v. Busey, 79 F.3d 1250, 1266-67 (1st Cir. 1996)). In light of the Legislature's clear preference for use of pre-existing federal documents or joint federal/state environmental documents, it would be anomalous to interpret Section 15229 to prohibit the use of the same environmental baseline physical conditions routinely used pursuant to NEPA in the subsequent or companion EIR. Accordingly, Public Resources Code Section 21083.8.1 has recently been interpreted to allow the same baseline under CEQA as under NEPA. City of Vernon, 63 Cal.App.4th at 691-93; see also S. Committee on Governmental Organization, Staff Analysis of SB 1180 (1995) at 3 (the bill is based on the recommendations of the California Military Base Reuse Task Force that the "baseline for CEQA analysis shall be the fully operating military base, not the closed base").

The Draft EIR uses the best available data consistent with the baseline physical conditions present during the last year of full operation at NAS/FISC. For many resource areas, the exact date of the data source is not critical as long as it can be demonstrated that the baseline data represent the conditions present during the last year of full operation. Public utility enhancements were discontinued at NAS/FISC once it was apparent that the base would be closed. Thus, it is irrelevant whether the data used in the Draft EIR is from 1993, 1994, 1995 or later since there have been no changes to the system that would impact capacity analysis. Regarding traffic analysis, the Draft EIR uses 1990 data to determine operational conditions of Alameda intersections. Whether or not the Draft EIR used a "mix" of data is not as important as whether the data used is the best available for the representative time period (the last year of full operation). Moreover, Section 15229 itself provides for a mix of baseline conditions by its terms. The lead agency is required to address the current environmental conditions for hazardous or toxic wastes, substances and materials regardless of the date of base closure (§15229(d)(1)). In conclusion, pursuant to CEQA, the Draft EIR uses the proper baseline and recirculation is not required. Please see the City's letter to Reed W. Super dated November 16, 1998 (Revised Appendix B provided in Chapter 4 of this document) which discusses the applicability of CEQA Guidelines Section 15229 and the baseline physical conditions used.

- B5-5 Table 2-7, Summary of Significant Impacts and Mitigation, on pages 2-49 through 2-82 meets the requirements of CEQA Guidelines §15123.

- B5-6 The text on page E-7 of the Draft EIR has been amended as follows to include the new Estuary bridge/tunnel, air quality, and dredge material disposal/reuse issues in the list of scoping issues:

Page ES-7, Paragraph 1, Sentence 3: “The main environmental issues identified during the scoping process were the selection and analysis of an adequate range of EIR alternatives (including a request for a seaport alternative), the selection of the baseline year for analysis, protection of designated public trust land, compatibility of the proposed recreational vehicle park with surrounding neighborhoods, the size of a proposed USFWS wildlife refuge, potential effects on the California least tern colony at the proposed wildlife refuge, and traffic issues, potential for a new Estuary/bridge tunnel, air quality, and dredge material disposal/reuse issues.”

Page 2-47 contains a discussion regarding the consideration of a Northwest Territories Dredge Material Disposal Facility.

- B5-7 Air emissions and applicable mitigation measures are described in more detail on pages 4-164 to 4-173 of the Draft EIR. As shown on pages 4-167 and 4-168, the ozone precursors addressed are those related to increased traffic. Thus, the applicable mitigation measures address the use of TSM and other measures associated with reducing vehicular traffic (see page 4-168). Mitigation measures addressing the potential increase in PM_{10} (as discussed on page 4-164) are included on pages 4-165 and 4-166 of the Draft EIR.

- B5-8 Pursuant to §15124(d) of the CEQA Guidelines, a statement describing the intended uses of the EIR should include “to the extent that the information is known to the lead agency” 1) a list of agencies that are expected to use the EIR in their decision-making; 2) a list of permits or other approvals required to implement the project; and 3) a list of related environmental review and consultation requirements required by agencies, policies, regulations.

Page 1-2, Project Description, identifies “actions related to reuse,” including amendments to the City’s General Plan, environmental clearance for the Alameda Point Improvement Project (APIP), and designation of the area as a Local Agency Military Base Recovery Area (LAMBRA). Page 1-17, Section 1.4.2, Intended Uses of the EIR, states that the EIR would be used by the City of Alameda to “accept the conveyance of property, to adopt any necessary amendments to the City’s General Plan, to adopt any rezoning of the site resulting from the Reuse Plan, and other approvals needed to implement the Reuse Plan. This section also contains language regarding the intended use of the EIR by the Community Improvement Commission (CIC)

throughout the adoption and implementation of the Alameda Point Improvement Project (APIP).

- B5-9 The Alameda Point Improvement Project (APIP) is a redevelopment area. It was formed under State Law in April 1998 in accordance with Community Redevelopment Law and is described in more detail on pages 4-4 through 4-5 of the Draft EIR. The Redevelopment Plan for the APIP is called the Community Improvement Plan. All redevelopment areas have Redevelopment Plans. The APIP is not the same as the Community Reuse Plan. The Community Reuse Plan is a document prepared by the Local Redevelopment Authority (LRA). The Alameda Reuse and Redevelopment Authority was designated the LRA, the entity designated by the community in accordance with Title XXIX of the National defense Authorization Act for Fiscal Year 1994 to prepare a local reuse plan for the closing facilities. As stated on page 1-2 of the Draft EIR, "The purpose of adopting a reuse plan for the property is to allow for the efficient transition from military use to civilian use."
- B5-10 The Draft EIR in Section 1.6.2 on page 1-23 describes all of the information requested in this comment. Section 1.6.3 outlines the detailed comments received on the first NOP. It also refers to Tables B-1 and B-2, where both sets of NOP comment letters are discussed in detail.
- B5-11 The Draft EIR discusses the potential for mitigating traffic and air quality impacts associated with NAS reuse through construction of a new crossing of the Oakland/Alameda Estuary. Mitigation 3a clearly states that while construction of a new crossing would mitigate regional traffic impacts to a nonsignificant level, such a crossing "is not considered feasible because it is not planned at this time and would require the approval of other agencies..." (Draft EIR, p. 4-138). Insofar as construction of a new crossing is not considered feasible and the Draft EIR does not rely on this measure to mitigate significant effects on the environment, no further analysis of this measure is required. As stated in the Draft EIR, if and when such a crossing is proposed, the potential adverse traffic and/or air quality impacts associated with that project would be taken into consideration during the planning and environmental review process (Draft EIR pp. 4-167, 4-168). See Responses to Comments B3-29 and B3-30.
- B5-12 The ferry terminal would not be relocated to the North Waterfront, although water-related transportation is envisioned in this location. The type of service considered for this location, as described on page 2-21 of the Draft EIR, would be a water taxi-type ferry service, linking the site with Jack London Square and other locations in Oakland and Alameda. The water taxi system is described in the Port of

Oakland/City of Oakland Estuary Policy Plan, adopted by the City of Oakland on June 8, 1999.

- B5-13 The Community Reuse Plan included a college campus of 916,000 square feet. As described on page 2-2 of the EIR, an amendment to the Plan eliminated this campus and substituted mixed use, thus accounting for the difference in square footage between the Community Reuse Plan and the Reuse Plan Alternative. In addition to the Reuse Plan Alternative, the Draft EIR analyzes a Reduced Density Alternative, which has fewer and less severe traffic and air quality impacts than the other alternatives.
- B5-14 Comment is noted. The Community Reuse Plan discusses many different transportation improvements. However, the only improvements that were assumed as part of the EIR analysis were the Tinker Avenue extension and the Mitchell/Mosley connector. A new crossing is identified as a potential mitigation on page 4-138 but is not further analyzed in the EIR because it is considered infeasible. Please see Response to Comment B5-11. Page 2-27 has been modified as follows:

Page 2-27, Paragraph 1, Sentence 2: "~~The Many of the~~ transportation improvements identified in the Transportation Element would be implemented as part of the Reuse Plan and all other reuse alternatives and would be made over a 20- to 30-year period, consistent with the anticipated implementation timeline for the Reuse Plan. However, the only specific improvements that were assumed for purposes of this EIR were the construction of the Tinker Avenue extension and the Mitchell/Mosley connector."

The analyses of Impacts 2 and 3 recommend Mitigation Measures 2a and 2b that are intended to reduce project traffic. Mitigation 3b provides for a traffic cap to insure that the capacity of the Webster Street and Posey tubes are not exceeded. Mitigation Measure 3a discusses the feasibility of the new Estuary crossing. Given that no firm option has been adopted and no planning conducted for a new crossing, it was not considered a feasible mitigation measure for the Project. Also see Response to Comment C9-11.

- B5-15 Please refer to Responses B5-11 and B5-16 in regard to the issue of the Estuary crossing.

The Port priority designation was removed from all of NAS Alameda in 1996; however, this removal does not preclude the City from considering an alternative which includes marine terminals.

For the Seaport alternative only, a new crossing was assumed as part of the project. This assumption was made because neither the existing tube nor freeway ramps accessible from the tubes are currently constructed to meet truck standards.

Because this is a program-level document, detailed analysis of the “cargo crossing”, including the type of facility, has not occurred. All such detailed analysis would need to be coordinated with the Port of Oakland and other projects proposed and overseen by that agency, as well as the City of Oakland at such time as a project-specific environmental review occurs.

- B5-16 In response to the 1996 public scoping for the combined EIS/EIR, the Navy and City described and analyzed a Seaport Alternative. This alternative was also developed to comply with the San Francisco Bay Area Seaport Plan and the San Francisco Bay Plan, both amended in April 1996, and containing a 220-acre port priority area for a 5-berth marine terminal to handle 3.8 metric tons of cargo at NAS Alameda. At that time, the Seaport Alternative was considered a reasonable alternative for analysis because it consists of an entirely different vision for reuse of the project site that is not inconsistent with the uses of the surrounding areas (for example, the Port of Oakland).

Since the time that the Seaport Alternative was developed and the major portion of the analysis of that alternative performed, the Port Priority designation for the area was removed by BCDC in response to a request by ARRA and the City of Alameda. Nevertheless, inasmuch as the majority of the analysis already was completed at that time, the City decided to keep the Seaport Alternative in the Draft EIR as it would only serve to advance the document’s informational purposes. The Seaport Alternative includes a cargo crossing which could be a bridge or tunnel, similar to the Estuary crossing, or could be some innovative technology which would be speculative to discuss. While the new Estuary crossing has been determined not to be feasible at this time and is not relied on to mitigate the significant environmental effects of any of the alternatives, Mitigation Measure 3a for the proposed project, for example, would require the City to “work cooperatively with [the various approval agencies] to obtain approval for and funding for a new crossing.”

- B5-17 The Port of Oakland and City of Oakland have been discussing the potential use of dredged materials for the proposed golf course in the Northwest Territories. The use of dredged materials, however, is different from a Dredge Material Disposal Facility Alternative. The Long-Term Management Strategy for Dredged Materials identified NAS Alameda as a potential location as a handling facility for dredge materials. This alternative was rejected during the scoping process.

Please refer to the discussion of this rejected alternative in Section 2.3.3 of the Draft EIR (pp. 2-47 and 2-48). The use of dredge spoils to create a golf course is not precluded. Because the EIR is a program-level document, it did not analyze the impacts from use of dredge material for a project-specific development, such as a golf course. At this time, the exact size and design for the golf course is not known and further analysis would be speculative. When a specific development plan for a golf course is proposed, that project including any proposed use of dredged material and the amount and location that might be used will be subject to subsequent, project-level environmental review under CEQA.

- B5-18 In order to clarify that Table ES-3 on page ES-12 is an executive summary of Summary Table 2-7 beginning on page 2-49, the Draft EIR will be amended on page ES-12 as follows:

Page ES-12, Paragraph 2: “Table ES-3 summarizes from Table 2-7 the impacts to environmental resources for the No Project Alternative, and the reuse alternatives, followed by a summary of the environmental consequences associated with each resource area. More detailed information about the impacts and mitigations is presented in Table 2-7.”

- B5-19 Deterioration of historic structures could also occur under the “No Project Alternative”. However, as discussed on page 4-69 of the Draft EIR, the deterioration of NRHP-eligible historic properties was determined to be less than significant because the Navy would use the appropriate standards published in the National Park Service Preservation Brief 31, *Mothballing Historic Buildings* (National Park Service 1993) for the layaway and maintenance of historic properties.
- B5-20 The presence of humans and domestic animals in the Northern Territories Planning Area is anticipated to be less under the Seaport Alternative than the Reuse Alternative. However, this decrease is not anticipated to be great enough to reduce this impact to a less-than-significant level.
- B5-21 Page 2-65, Table 2-7, Mitigation Measure 2a (Reuse Plan Alternative), should be corrected to state the following:

Page 2-65, Table 2-7: “Map all 100-year floodplains on the site...base level of the site to a minimum of ~~400~~ 10 feet MSL.”

- B5-22 Page 2-66, Impact 3 will be modified as follows:

Page 2-66, Impact 3 (Seaport Alternative): “A significant and mitigable impact would result from dispersal of

contamination due to dredging the Inner Harbor and the Seaplane Lagoon, particularly maintenance dredging.”

The term “landside dredging” refers to the removal of earth on the land side of shore.

- B5-23 As set forth in Table 2-7, page 2-70 (and pages 4-128 through 4-160), all four alternatives would have a significant and mitigable traffic impact on the Tubes. For the Reduced Density Alternative, however, the impact could be mitigated by a comprehensive set of TSM programs. (See Mitigation 2a on page 4-160.) The other three alternatives would require a traffic cap (Mitigation 3b). Because there is no significant impact to the Tubes under this alternative, Table 2-2, Summary of Significant Environmental Impacts and Mitigation, Impact 3, for the Reduced Density only indicates increased on-site traffic volumes (Draft EIR, page 4-160).
- B5-24 A new bridge/tunnel crossing is infeasible at this time because it requires approval by other agencies outside the control of the City and because it is not planned. Since Mitigation 3b provides effective mitigation, the Reuse Plan, Seaport and Residential alternatives would all be feasible. Please refer to Response B5-11.
- B5-25 Page 4-138, Mitigation 3b shall be modified as follows to clarify that the measure would mitigate the alternatives traffic impacts on the Tubes to a less-than-significant level:

Page 4-138, Mitigation 3b: “The impact would ~~may~~ be mitigated by limiting traffic generated by the Reuse Plan Alternative to levels such that traffic from the Reuse Plan Alternative, together with cumulative traffic growth, would not cause traffic in the Webster/Posey tubes to exceed LOS E.”

With regard to the feasibility of Mitigation 3b and its effects on site development, please refer to the Illustrative Development Scenario presented in Table 4-2 on page 4-140 and the discussion on page 4-139.

Table F-17, which is included in the revised Appendix F contained in Chapter 4 of this document, lists the LOS for impacted intersections under the Illustrative Development Scenario.

- B5-26 The mitigation measures to control dust are discussed in detail on page 4-165 of the Draft EIR. The Commentor does not specify which specific BAAQMD measures are not addressed. Those measures listed in the Draft EIR are believed to be adequate to minimize potential construction-period dust impacts to visitors of Jack London Square and Village.

- B5-27 The modeling results shown in Table 4-30 assume implementation of all of the mitigation measures recommended in Section 4.10 that relate to roadway or intersections improvements. The modeling for this program level EIR did not include assumptions specific to the individual intersections. As shown in Table 4-30 of the Draft EIR, the implementation of such mitigation measures would reduce the level of impact to a less-than-significant level at three of the eight intersections that would be impacted under the development of the Reuse Plan Alternative. The impact at the remaining five intersections would be reduced to a less-than-significant level through the implementation of Mitigation Measure 3b. The results of the model runs that were completed to analyze the Illustrative Development Scenario discussed on page 4-138 of the Draft EIR are shown below for the impacted intersections.

<u>Impacted Intersection</u>	Max. 1-Hour	Max. 8-Hour
Tinker Ave. and Webster St.		
75 ft NW	--	4.5
75 ft SW	--	4.5
75 ft NE	--	5.8
75 ft SE	8.6	6.8
7 th St. and Harrison St.		
50 ft NW	--	5.9
50 ft SW	7.3	5.8
50 ft NE	8.3	6.6
50 ft SW	--	5.1

Please see Response to Comment C9-11.

- B5-28 Please see Response to Comments B5-27 and C9-11.
- B5-29 Mitigation 4 (page 4-206) requires the City to adopt measures in plans and ordinances, as needed, to require installation of vapor barriers and/or venting of structures in areas determined where soil gas exposures are determined to be unacceptable. No deferral of mitigation is contemplated.
- B5-30 Text on page 3-8 has been amended to indicate that the Fleet Industrial Supply Center Oakland (FISCO) was conveyed to the Port of Oakland in June 1999 as follows:

Page 3-8, Paragraph 4, Sentence 5: "FISC Oakland ~~was~~ will be conveyed to the Port of Oakland for redevelopment as part of a major port expansion with uses that support the containerized shipping industry. The Navy published a NEPA Record of Decision for the FISC Oakland disposal on

August 28, 1997. FISC Oakland was conveyed to the Port of Oakland in June 1999."

- B5-31 Section 3.1.3 will be amended to include discussion of the Airport Land Use Commission and the Airport Land Use Plan under the Regulatory Considerations heading.

The following discussion has been added under a new heading:

Page 3-19, Last paragraph:

"Alameda County Airport Land Use Commission Airport Land Use Policy Plan (ALUC Plan)"

California State law establishes an Airport Land Use Commission (ALUC) in each county to coordinate the compatibility of new development near airports. The ALUC has the power to prepare and adopt a comprehensive plan that establishes restrictions on land uses within a designated ALUC zone or referral areas. The ALUC Plan was adopted in 1979 and updated in 1986. It addresses safety hazards, land use incompatibilities, and noise impacts created by aircraft activity and contains policies pertaining to safety zones, height limitations, and hazard prevention.

The ALUC Plan includes policies related to both the Oakland International Airport and the NAS Alameda air facility. For the Oakland Airport, the project does not fall in the ALUC General Referral Area, Safety Zone, Height Referral Area, or regulated noise zones. Aircraft operations at NAS Alameda were discontinued prior to closure of the facility in 1997. There is currently no aircraft activity at NAS Alameda. The City submitted a formal request to ALUC requesting that the airport facility at NAS Alameda be removed from the ALUC Plan, which was approved on December 8, 1999. This modification would eliminate the General Referral Zone, safety zone, and noise contours associated with NAS Alameda.

- B5-32 The EIR's conclusion that sections of the Training Wall were "rebuilt" is based on Historic American Engineering Record No. CA-239, Oakland Harbor Training Walls, prepared in March, 1999 by Celia McCarthy, Cultural Resources Planner for the Port of Oakland. According to this report, repairs were made to various sections of the wall over time. The most recently documented repairs to the wall occurred in 1990 following the Loma Prieta earthquake. At that time the Union Rail Road deposited riprap in a covered section of the wall due to concern over the stability of its tracks. The fact that these

conclusions may differ from the findings of the Historic American Building Survey is inconsequential in determining the significance of the wall as a historical resource. Whether or not portions of the wall have been rebuilt, as indicated in Figure 3-63, the Draft EIR concludes that a significant and not mitigable impact would result if demolition of some or all of the National Register-eligible Training Wall were to occur.

B5-33 See Responses to Comments B5-2 and B5-4.

B5-34 I-880 Cypress Corridor was completed and made fully operational after this EIR was commenced.

B5-35 Text on page 3-136 will be modified to read:

Page 3-136, Paragraph 5: “~~Ten~~ Nine intersections in Alameda and 13 intersections in Oakland accessing NAS Alameda/FISC Alameda have been identified for analysis (Figure 3-16).”

B5-36 The truck issues identified in Mr. Flint’s letter do not pertain to this site. All of the proposed alternatives will include adequate parking. (Draft EIR pg. 4-143)

B5-37 See Response to Comment B3-9.

B5-38 As indicated in Impact 2 on page 4-7 of the Draft EIR, the potential land use conflicts would involve traffic and nighttime glare. A menu of potential mitigation measures is proposed including screening, site design, designation of RV routes and management restrictions. The identification of these mitigation measures is adequate to demonstrate that the impacts can be reduced to non-significant levels.

B5-39 See Responses to Comments B5-16 and B5-24.

B5-40 Port of Oakland future projects are addressed in Section 5.1 of the Draft EIR which addresses cumulative development. Cumulative Land Use and Visual impacts are addressed on pages 5-7 and 5-8 of the Draft EIR.

B5-41 The two significance criteria which the City of Alameda has used in this EIR to analyze population and housing impacts (see Response to Comment C11-3, paragraph 2 or Draft EIR, page 4-29) are two of the three criteria which Appendix G of the *CEQA Guidelines* suggests for this purpose. These significance criteria focus on the environmental rather than socio-economic impacts related to population and housing.

The third criterion set forth in Appendix G, XII, Population and Housing (“Induce substantial population growth in an area, either directly...or indirectly?”) relates to growth inducement. Growth inducing impacts are addressed in Chapter 5.2, Growth-Inducing Impacts of the Draft EIR.

The ABAG population and employment projections result from inputs provided by local governments. The fact that the most recent regional projections used in the Draft EIR (ABAG Projections '96) do not yet include all future population and employment (i.e., they assumed a closed base) that could result from the reuse of NAS Alameda and FISC Alameda is a matter of timing and not of policy inconsistency. The very purpose of this program EIR is to analyze the significant environmental effects of the reuse of NAS Alameda and FISC Alameda.

If the maximum development envisioned under the Reuse Plan Alternative were to be capped as a result of the implementation of Traffic and Circulation Mitigation Measure 3b, the number of jobs would be proportionately reduced as well. Such a reduction (or more likely, in practical terms, a postponement) in the job-generation that would result from base reuse would in no way change the City's purpose and objectives for having undertaken the multi-year reuse planning effort, which has involved input from hundreds of local residents and required substantial time and effort. Also see Response to Comment C9-11.

- B5-42 The mitigations listed are appropriate for a program level review. The amount of public revenues that will be expended to extend or improve public services within the reuse area will not be determined until such time as specific development projects are proposed.
- B5-43 Text on page 4-50 will be modified to read:

Page 4-50, Paragraph 2: “*Mitigation 1:* Prior to major demolition, a solid waste management plan containing programs and procedures to meet the requirements of the California Integrated Waste Management Act and Alameda County Measure D should be prepared and implemented. The plan should emphasize reusing and recycling solid waste, particularly construction and demolition debris. The plan shall also address project operation or a separate solid waste management plan specific to project operation shall be prepared. At a minimum, the plan should...”

- B5-44 As indicated on page 3-64 of the Draft EIR, the Training Wall is a rubble masonry jetty. Public access in the vicinity of the Training

Wall would consist of a linear park adjacent to the Training Wall for all alternatives except the Seaport Alternative. Trails adjacent to the Training Wall would have no impact on its integrity and would not cause deterioration. Deterioration is more likely to occur from water-side erosion caused by the wave/wash action of the passing of large cargo vessels making calls at the Port of Oakland.

- B5-45 The Draft EIR provides the most conservative approach by considering the impact of the demolition of the Training Wall to be significant and unavoidable. Should this alternative be chosen, mitigation measures could be considered in consultation with SHPO and the community which might lessen demolition impacts. This impact would remain significant and unavoidable nevertheless.
- B5-46 The Draft EIR does not specifically mention the proposed conference center, the club house, or other individual buildings as potential food sources for predators. The EIR does (page 4-74) discuss the planned golf course as a potential source of increased foraging areas for predators such as ravens and raptors. The EIR also includes as part of its discussion of increased predation of the least tern the potential for attracting a variety of predators with garbage cans, trash receptacles, and litter associated with development. As also noted in Response B3-36, the EIR has been amended as follows to clarify that human waste associated with proposed development would likely serve a food source for predators, and that increased predation associated with those potential food sources could occur in any of the planning areas situated adjacent to the wildlife refuge:

Page 4-74, Paragraph 1, Last Sentence: ~~“Garbage cans, large trash receptacles, and uncontained litter attract crows, gulls, dogs, cats, skunks, and raccoons, which may then be attracted to tern eggs and chicks nearby (US Navy 1995b). Increased food availability from waste materials and garbage receptacles (i.e., garbage cans, large trash receptacles and uncontained litter) associated with light-industrial, golf course, and other recreational development, especially in the Northwest Territories and the Civic Core area, would likely attract and support larger small mammal populations, including rats, feral/domestic cats, skunks, and raccoons, and avian predators such as ravens, crows, and gulls, which could prey directly upon least terns and/or their eggs (US Navy 1995b).”~~

As mitigation for Impact 1, the EIR proposes that covenants, conditions, and restrictions (CC&Rs) for development require that all garbage cans and large open trash containers be tightly closed to eliminate potential food sources for predators (Mitigation 1). The EIR also specifies in Mitigation 1 that feeding stations or colonies for feral

cats or any native or non-native wildlife species which would contribute to increased predation pressure on least terns, would be prohibited. Additionally, as stated in Mitigation 1, proposed development would be subject to the terms and conditions set forth in the biological opinion (BO) for the proposed action. The BO (in Appendix D of the Draft EIR) describes a series of specific predator management activities that must be conducted within and surrounding the planning areas. These activities include, but would not be limited to the following: developing and implementing predator management plans for lands outside of the proposed Refuge; removing feral cats and other animals; and monitoring and controlling avian predators.

- B5-47 Mitigation 1 for the Reuse Alternative refers to “nondiscretionary measures that must be undertaken by either the Navy or the City of Alameda” (i.e., terms and conditions), as outlined in the biological opinion (BO) for the proposed project. Among the terms and conditions for the proposed project set forth in the BO is the following limitation: “No nighttime lighting shall be provided in the golf course and regional park area, except for the 6-acre area encompassing the golf clubhouse and conference center.” The Draft EIR text has also been amended as follows to include a more specific reference to lighting limitation to be imposed per the terms and conditions of the BO:

Page 4-75, Paragraph 2, Last Sentence: “Other lighting, including lighting levels in the ball fields and the golf course, would be similarly limited as set forth in the terms and conditions of the BO.”

The Visual Resources section calls out the visual impact of increased light and glare associated with the proposed project as a nonsignificant impact, with the exception of light and glare generated by the proposed RV park. Potential adverse light and glare impacts of the RV park are noted in the Land Use section (4.1) under Impact 2, and would be addressed by Mitigation Measure 2. The Visual Resources section references the Biological Resources section for a discussion of the potential impacts of increased night lighting on the least tern population.

- B5-48 The City has one container storage facility, Container Care. The height limitation for this facility is five (5) containers. Based upon this facility, the EIR analyzes a worst-case scenario of five (5) stacked containers. According to the operator, the stacking of five (5) containers is not unusual. (Richard Chapman, personal communication, November 1999.)

B5-49 The issue of litter is a documented concern of USFWS and is specifically noted in the BO (see Appendix D of the Draft EIR). While marine cargo terminals may not generate the amount of litter that could be generated by other uses or alternatives, the additional presence of workers in the vicinity could.

B5-50 The assessment of impacts to the least tern population adjacent to the project site is based on the Biological Opinion (BO) issued by the U.S. Fish and Wildlife Service (USFWS) for purposes of consultation under the California Endangered Species Act (ESA), California Fish and Game Code § 2050, *et seq.* As part of the BO, the USFWS issued a series of terms and conditions with which the Navy must comply to be exempt from the prohibitions of Section 9 of the ESA. Among the nondiscretionary terms and conditions issued by USFWS are measures intended to minimize the effects of increased predation on least terns in the vicinity of the project site.

As discussed on page 4-81 of the document, the EIR concludes that under the Seaport Alternative, the impact associated with increased predation of the California least tern would remain significant even with implementation of USFWS-recommended measures. This conclusion is based on the fact that a number of aspects of this alternative such as container stacking and night lighting would significantly increase predation of terns in the vicinity of the project site besides predator use of gantry cranes as perches. Increased predation, in turn, would result in the loss of individuals and disruption of breeding to the extent that a significant unavoidable impact related to port development would occur. While this conclusion is at odds with that reached by the author of the Santa Cruz Predatory Bird Group letter referenced by the Commentor, it is nonetheless a reasonable conclusion given the criteria employed by the Draft EIR to evaluate the significance of potential impacts to biological resources from the proposed action. (See pp. 4-70 and 4-71 of the EIR.)

B5-51 In addition to the recommended actions specifically described in Mitigation 4 for the Seaport Alternative, dredging operations undertaken under this alternative would be required to comply with the requirements set forth in Mitigation 4 for the Reuse Alternative. Reuse Mitigation 4 would ensure maximum species protection and a less-than-significant impact after mitigation by limiting the time period during which dredging can occur; requiring a permit from the COE for dredging; and requiring that the COE consult with the USFWS under Section 7 of the Endangered Species Act to ensure that no jeopardy to the least tern or other threatened or endangered species would result from the action. Subsequent to the Section 7 consultation, reasonable and prudent habitat conservation and other mitigation measures developed through collaboration between the

COE permit applicant and the USFWS would be incorporated into proposed dredging projects.

B5-52 The creation of a 5-berth port facility in the Northwest Territories would alter the physical characteristics of NAS and that of the entire Alameda shoreline from the mouth of the channel to the Turning Basin. Comprehensive engineering and geotechnical studies including slope stability would need to be performed. It is likely that additional bulk heading and strengthening of existing bulkheads would need to occur. Because the EIR is a program-level document, it does not analyze the impacts from project-specific port development.

B5-53 Trip distribution patterns were evaluated for all alternatives on the basis of CMA Model runs and were not significantly different among alternatives. As stated on Draft EIR page 4-127, "In general, the distribution patterns did not change between alternatives." Any synthetic attempt to create artificially different distribution patterns among the alternatives would be inappropriate. No supplemental or revised traffic analysis is necessary. Tables F-13 through F-16 which show the mitigated LOS conditions for impacted intersections have been added to Appendix F.

The existing roadway network was utilized in 1990 baseline conditions. The Cypress structure was under construction during that time, and therefore the baseline condition does not include it; however, the future year model runs do incorporate the Cypress structure.

B5-54 Please refer to Response to Comment B5-12. Impacts to ferry operations are discussed on pages 4-142, 4-149, 4-155 and 4-161.

B5-55 The impact on the Webster/Posey Tubes for each alternative is identified under Section 4.10 of the Draft EIR. (See Tables 4-20 [p. 4-132], 4-23 [p. 4-144], 4-25 [p. 4-151], 4-27 [p. 4-157], and pp. 4-161 to 4-162). This impact can be reduced to a less-than-significant level for the Reuse Seaport and Residential Alternatives. There is no significant impact on the Tubes from the Reduced Density and No Project Alternatives.

B5-56 The expansion of parking at BART is only one of many potential TSM strategies. For TSM strategies to be effective, they need to be tailored to specific development proposals. By providing a list of feasible elements for a TSM program, Mitigation 2a contains an appropriate level of detail for a program-level document.

B5-57 The proposed TSM program includes transit service subsidies. The actual amount of these subsidies will be determined at the time that

sufficient information is available to design such a program, at the project level.

- B5-58 The BCDC Seaport Plan assigned a future cargo capability of 3.8 million metric tons of throughput for NAS Alameda, based upon five berths at a capacity of 760,000 metric tons per berth. This amount translates to 503,787 Twenty-Foot Equivalent Units or TEUs (assuming each container is 13.2 metric tons and equal to 1.75 TEUs). The *Feasibility Study of Container Port on Island of Alameda* (March 1997) prepared by Vickerman-Zachary-Miller, Korve Engineering, Hausrath Economics Group for the East Bay Conversion and Reinvestment Commission estimated that vessels transfer approximately 2,500 TEUs per call. Based upon this amount, 210 vessel calls per year (or approximately four calls per week) would occur.

It is unknown whether this capacity of throughput could be achieved given the site constraints. The five berths envisioned in the Seaport Plan would have had a more optimal configuration. The proposed wildlife refuge creates a less efficient backland area and height limitations in the Northwest Territories could further limit storage, and thus, throughput capacity.

The City of Alameda would control the operation of the container facility by either acting in the capacity of the Port authority or through lease with a private entity to operate. In either case, the City would have control over operations at the facility and could ensure that operations would not impact the existing ferry service.

- B5-59 The analysis contained in the Draft EIR is meant to provide a program-level assessment of potential air quality impacts associated with the proposed project and alternatives. Vehicle emissions are by far the most important potential air emission sources. Industrial emission sources, such as those of light industry, are also identified for all alternatives, as a potential impact. On page 4-173, the Draft EIR states that this alternative would include more heavy industry. BAAQMD permits would be required for stationary sources emitting in excess of threshold requirements. Wood burning stoves are not regulated by federal, State or BAAQMD regulations at this time, although the City does discourage their use during "Spare the Air" days.

- B5-60 See Response to Comment B5-27.

- B5-61 As noted on page 4-191, truck trips were estimated using 1991 ITE standards.

- B5-62 Comment acknowledged.

- B5-63 Table 5-1, Cumulative Project List, will be corrected as follows:

Page 5-2, Table 5-1: "Port of Oakland Vision 2000 Program
June 1999 ~~July 1997~~"

The reference to the wastewater relocation has been retained because the City and Port are currently underway with design of this project. Completed projects, such as -42-Foot Dredging project and the Cypress Freeway, have been retained since they were considered in the analysis. The occupation of an existing garage by a restaurant, is not a project of regional impact.

- B5-64 Figure 5-1 has been corrected to accurately portray land use at FISCO and is provided in Chapter 3.

- B5-65 As discussed on page 5-8, the Inner Harbor Turning Basin enlargement would remove approximately 1.29 acres of the project area which could displace potential development that would otherwise occur there. While the impact of the property removal is mitigated, the potential cumulative land use conflict should be noted so as to fully inform the public and decision-makers of the EIR of the combined effects of the two projects.

- B5-66 The text on page 5-8 will be modified to read:

Page 5-8, Paragraph 2, Last Sentence: "For all the alternatives ~~except the Seaport Alternative~~, there would be beneficial effects from increased open space and shoreline access for the public."

- B5-67 The cumulative population impacts would not be significantly different from those described for each of the reuse alternatives in Chapter 4.3. As stated on page 4-28, changes in population are considered neither beneficial nor adverse impacts.

Development of any of the reuse alternatives would not significantly contribute to cumulative recreation impacts. Each alternative would provide for the demand for recreational uses generated by that alternative in an amount that significantly exceeds the City goal of 2.3 acres per 1,000 residents.

- B5-68 The analysis of cumulative impacts on biological resources is presented on page 5-11 in the context of the adjacent USFWS refuge and other development, including Port of Oakland Vision 2000 projects as well as COE (USACE) dredging of the Inner Harbor. The cumulative context for the project's biological resources impacts includes the Port

of Oakland's and COE's projects because of their physical proximity to the project site. Please refer to Table 5-1 in the Draft EIR for the other projects included in the cumulative impact analysis.

- B5-69 Text has been amended as follows in response to the Commentor's concerns about the Draft EIR's assessment of the cumulative impacts of project related lighting:

Page 5-11, Paragraph 4, Sentence 2: ~~"However, Additional lighting to support crane operations at the Port of Oakland, if not properly designed, could potentially contribute to a cumulative increase in night lighting that could adversely affect the endangered California least tern and other wildlife species on NAS Alameda/FISC Alameda. However, assuming that it would be properly designed, per project specifications developed in consultation with the USFWS, additional lighting would not result in a significant cumulative impact."~~

- B5-70 The comment is noted and it is hereby acknowledged that the -50 Foot Project (formally referred to as the Oakland Harbor Navigation Improvement Project) is an action proposed jointly by the Corps and the Port of Oakland.

- B5-71 The text on page 5-13 has been revised to include a description of Port of Oakland's new maintenance facilities:

Page 5-13, Paragraph 4: "In addition, the Vision 2000 Program in combination with the Reuse Plan Alternative could increase stormwater contaminant discharges and the potential for contaminant spills that may adversely affect water quality in Oakland Inner Harbor and San Francisco Bay. Project-specific mitigation of implementing urban runoff management plans by the cities of Oakland and Alameda, together with other existing measures that are in place, would ~~could~~ reduce this impact to a nonsignificant level. It is noted that the new Port of Oakland maintenance facilities are designed to capture runoff, including spills, and route them to the sanitary sewer for treatment, which minimizes runoff into the Estuary."

- B5-72 The mailing lists for the NOP is included in this Draft EIR in Chapter 10, Distribution List. The text on page 6-4 and 6-6 has been revised as follows:

Page 6-4 under "Scoping-EIS/EIR": "The project mailing list, including agencies, organizations, and individuals that

received scoping letters, is provided in ~~Appendix B~~Chapter 10.”

Page 6-6 under “Scoping-EIR”: “The project mailing list, including agencies, organizations, and individuals that received scoping letters, is provided in ~~Appendix B~~Chapter 10.”

In addition, the following language was added to page 10-1:

Page 10-1: “The following elected officials, agencies, organizations and individuals either received a copy or were notified of the availability of the DEIR document and where it could be accessed. In addition, this distribution list was used in the scoping processes.”



SIERRA CLUB SAN FRANCISCO BAY CHAPTER

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July 5, 1999

City of Alameda
Ms. Cynthia Eliason
Planning Department
2263 Santa Clara Avenue, Room 120
Alameda, CA 94501

RECEIVED

JUL '99 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

Ms. Eliason:

Re: Sierra Club Comments on Draft Environmental Impact Report (EIR) for the Reuse of Naval Air Station Alameda / Fleet and Industrial Supply Center Alameda Annex and Facility

I am writing on behalf of the Sierra Club, which has over 600 members who live in the City of Alameda and several thousand who live in northern Alameda County.

1. The EIR generally failed to address regional impacts of the proposed alternatives. Regarding traffic and circulation, what are the relative impacts of traffic and air toxics generated by commuters to the number of jobs in Alameda proposed by the plan in the EIR versus the same number of jobs located elsewhere in the Bay area, especially in the fast growing tri-valley area? Would traffic and air quality impacts be less in Alameda where mass transit alternatives are available or could more easily be made available, and where single occupancy vehicles will be discouraged by the lack of capacity for estuary crossings? What would be the traffic and air impacts of different types of housing at Alameda Point, especially those of moderately priced workforce housing versus more expensive single family detached homes? Is it likely that occupants of moderately priced workforce housing are likely to live closer to work and take mass transit than occupants of more expensive single family detached homes?
2. The EIR failed to address some impacts of local governmental restrictions, especially the City Charter which prohibits the construction of multi-family housing (Measure A) and restrictions related to Alameda Point's status as a redevelopment area. How does Measure A limit planning flexibility, especially the option of incorporating multi-unit housing into a development to preserve more open space for a given residential density? How does Measure A affect the residential density needed to support high levels of transit service, especially bus? What affect will Measure A have on rents at Alameda Point and the surrounding area? On home prices? On demographics? Why wasn't an alternative whereby the general plan was amended to allow multi-family housing considered? What are the consequences to rents, home prices and social equity of tearing down existing multi-family housing and replacing that housing with single family housing? According to the "Citizen Guide to Redevelopment in California," published by the California Redevelopment Association, a redevelopment agency shall "provide an equal number of replacement dwelling units for low- and moderate-income dwelling units destroyed or removed from the project area by the agency." How many low- and moderate-income dwelling units are found at Alameda Point and how will they be maintained, renovated, or replaced?

C1-1

C1-2



3. The EIR also failed to address some local air toxics issues. What will be the levels of petroleum hydrocarbons, polycyclic aromatic hydrocarbons (especially benzo-(a)-pyrene), dioxins, furans, carbon monoxide, nitrogen oxides, and other hazardous air pollutants (HAPs) in the Webster Street tubes and near congested intersections? C1-3

4. The alternative analyzed in the EIR relied almost solely on conventional traffic patterns and mitigations for addressing significant impacts due to traffic. This resulted in the planners proposing to limit build out as a primary mitigation. Request that the planners analyze an alternative that includes increased incentives for mass transit use, and higher densities at mass transit nodes (both residential and commercial). This alternative could answer the following questions. How much would a "transit first" policy whereby local governments would structure fees and tax breaks in the redevelopment area to reward mass transit use and reduce common subsidies to drivers of single occupancy vehicles (e.g. free parking) increase the maximum allowed buildout relative to the preferred alternative? How much would a "hire locally" policy whereby local governments would structure fees and tax breaks in the redevelopment area to reward businesses who hired locally increase the maximum allowed buildout? C1-4

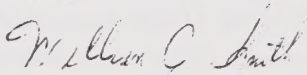
5. The EIR overlooked many of the environmental impacts of demolition and disposal of older buildings. By how much would renovating, as opposed to demolishing, reusable structures, such as East Housing, reduce both truck traffic through the Cities neighborhoods (especially residential) and landfill disposal volume? C1-5

For more detailed discussion and queries on each of the above topics refer to the speakers notes provided to the Planning Commission by the Sierra Club at the public hearing on the EIR on June 28th.

Until the above queries are answered, the conclusions presented in the abstract must be tentative and subject to revision. In particular, higher residential densities at Alameda are a potential mitigation for regional traffic and land use problems. If the preferred alternative is adopted, this possible mitigation for regional problems will be foreclosed. Thus, in addition to significant and not mitigable cumulative impacts associated with cultural resources and air quality as noted in the abstract, there would also be significant and not mitigable cumulative impacts associated with single occupancy vehicle (SOV) traffic patterns subsidized by the preferred alternative and land uses that favor the SOVs over mass transit.

The Sierra Club believes that careful consideration of possible answers to the above questions are vital if the City of Alameda is to turn its problem with limited access to Alameda Point into an asset.

Sincerely,



William J. Smith
Vice-Chair
Sierra Club Northern Alameda County

cc: Jean Nader, Renewed Hope
Dana KokuBun, Golden Gate Audubon Society
Mike Daly, Sierra Club Transportation Planner
David Nesmith, Sierra Club Conservation Director
Aaron Priven, Chair Sierra Club Transportation Committee
Toni Loveland, Chair, Sierra Club Northern Alameda County Group

COMMENTOR C1

William J. Smith, Vice Chair, Sierra Club Northern Alameda County, San Francisco Bay Chapter. July 2, 1999.

C1-1 The CEQA Guidelines in Section 15130 require that an EIR contain a cumulative impact analysis. Consistent with Section 15130 (b)(B)(3), the EIR defines the geographic scope of the cumulative impact area. The Draft EIR, on page 5-1 (paragraph three, second sentence), states: "The region considered in this analysis is the Central San Francisco Bay Area." Section 5.1.10 of the Draft EIR contains a cumulative traffic analysis that uses a growth rate for the cumulative future condition that represents development in Oakland and Alameda. The traffic and air quality analyses focus on the direct impacts of the project rather than the "comparative impacts" which would assume the same development in another location. Because this EIR analyzes the impacts of reuse of a specific military base, no other locations for the project need to be analyzed.

The CMA travel demand model does not consider income.

C1-2 As described in Section 1.1 of the Draft EIR, the purpose of the EIR is to assess the impacts of the project, the reuse of NAS Alameda/FISC Alameda properties. It is not an assessment of already-adopted City of Alameda Charter provisions, such as Measure A. Designation of an alternative that would require a City Charter amendment to allow for multi-family housing (as a means of over-riding Measure A) was not considered helpful for decision makers because it would require voter approval. As project-specific developments are proposed within the area proposed for inclusion in the APIP, the project will be required to meet State Redevelopment Law regarding inclusionary and replacement housing.

C1-3 The emissions assessed in the Draft EIR include primary and secondary air pollutants for which the Bay Area Air Quality Management District (BAAQMD) has established standards. Other significance criteria are addressed on page 4-163 and 4-164 of the Draft EIR. The BAAQMD has established standards for what are called "criteria" pollutants which include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter. BAAQMD standards for petroleum hydrocarbons, polycyclic aromatic hydrocarbons, dioxin, furans, and other hazardous air pollutants (HAPs) have not been established.

C1-4 The Draft EIR included as Mitigation 2a for all alternatives a TSM program which includes parking programs and allows other measures such as hire local and transit first policies. The Reuse Plan Alternative incorporated a mixed-use character as described on page 2-7 (paragraph five, first sentence), "The major goal of the land uses proposed in the

Reuse Plan was to “seamlessly integrate” the NAS Alameda/FISC Alameda site into the City of Alameda, providing a “mixed-use neighborhood where people would live, work, and play while enhancing the character of Alameda.”

The Reuse Plan also supports transit centers as discussed on page 2-28, first paragraph, Public Transit. The TSM program goal would reduce trips by 10 percent. The impact to maximum buildout varies depending upon development staging and development patterns in the nearby region.

It was therefore not considered necessary to evaluate an additional alternative that addresses increased incentives for mass transit use and higher densities at mass transit nodes as the Reuse Plan Alternative in the Draft EIR is a transit-oriented development.

- C1-5 The designated truck routes which would be utilized by trucks hauling demolition waste are Atlantic Avenue and State Route 260 (Webster Street). Neither of these streets is a residential street. The Interim Reuse Strategy (ARRA, 1995c) contained a buildings condition assessment. This report formed the basis for determining capital improvement costs for renovation of structures and formed the basis for the proposed demolitions analyzed within the Reuse Plan Alternative.

On page 4-50 (first paragraph, third sentence), the volume of building material proposed for demolition is estimated to be 1,541,997 cubic yards. Renovating would reduce that volume, as would the proposed mitigation measure (Mitigation 1).

The Draft EIR addresses the impacts of demolition in Section 4.5.1, identifying a significant and mitigable impact. Because demolition and disposal will take place over a long period of time and at varying rates each year, it would be speculative to discuss demolition-related truck traffic in further detail in this program-level EIR. This issue will be addressed at the project-specific level of environmental review.

PETITION SUPPORTING WORKFORCE HOUSING IN ALAMEDA

Renewed HOPE Housing Advocates supports the City of Alameda's efforts to provide workforce housing for residents of Alameda. Moreover, we oppose the present Catellus plan for redeveloping East Housing for the following reasons:

WE THE UNDERSIGNED, call on the City of Alameda to:

1. Support the *Bay Area Economics* study which calls the 600 units of East Housing "a quality stock" and therefore should be renovated to support the city's commitment to share the burden of workforce housing development.
2. Re-open the East Housing proposal process seeking appropriate proposals that meet the Base Reuse Advisory Group (BRAG) goals to:
 - Achieve a balance of mixed land uses
 - Create a vibrant and diverse neighborhood
 - Meet the current housing needs of our community
3. Withdraw the Catellus Plan which does not meet the BRAG goals and will destroy nearly 600 affordable, habitable homes for families to replace them with exclusive luxury mansions.

The criteria listed above are drawn directly from the Base Reuse Advisory Group's Community Land Use plan for housing at N.A.S.

Renewed HOPE supports affordable housing opportunities that meet the needs of families **AND** a mix of incomes.

Please sign this petition to support workforce housing for all Alamedans and to oppose the Catellus Development Plan destroying East Housing.

Name	Address	Phone
1. T. Makita	1611 Alameda Ave. - Alameda	
2. K. Chavira	1801 Buena Vista Ave. - Alameda	
3. ERLINDA GARCIA	325 Kitty Hawk + 718 Alameda	
4. Herbert Kobke	409 Baywood Rd Alameda 94501	
5. CHRIS GARCIA	1583 PACIFIC AVE. ALA	
6. MA CHRISTINE GARCIA	1583 PACIFIC AVE. ALA	
7. JUNE G. SPENCE	1100 Keweenaw Way Alameda, CA 94501	
8. Helen Jacobovsky	917 Cal St. Alameda, CA 94501	
9. BERNIE TATE	251 Keweenaw Way Alameda, CA 94501	

Renewed Hope Supporters: St. Barnabas Catholic Church, St. Joseph Basilica, St. Philip Neri Catholic Church, St. Albert's Church, Buena Vista United Methodist Church, Court St. United Methodist Church, East Bay Housing Organization, Sentinel Fair Housing, Alameda Ministerial Association, West End Concerned Citizens and individual Alameda residents

C2

[Above is a sample petition received from Renewed Hope. Numerous petitions were submitted, with a total of 932 signatures collected.]

COMMENTOR C2

Renewed Hope

- C2-1 Comment acknowledged. These petitions address the merits of the proposed project and a specific development proposal and not the adequacy of the EIR. No response is required. (Note that only one sample copy of the 118 petitions received is provided. A total of 932 signatures were received.)



Tri-City Homeless Coalition

JUL 06 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

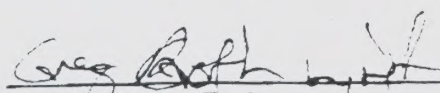
Tri-City Homeless Coalition Board Resolution

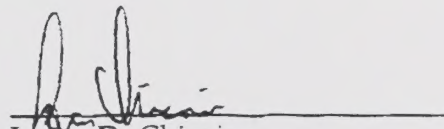
Be it resolved that the Board of Directors of Tri-City Homeless Coalition fully and enthusiastically endorses the mission and plans of Renewed HOPE housing advocates who are committed to justice and believe that Alameda must do its fair share of providing safe, workforce housing opportunities for all its residents. Renewed HOPE housing advocates support:

- Redeveloping the West End of Alameda to include a mix of housing for renters and homebuyers which reflects the current diversity of the neighborhood.
- Converting the East Housing into a mix of rental and ownership opportunities for the citizens of Alameda
- Establishing partnerships with non-profit housing developers to build workforce homes for families earning less than \$58,000
- Citywide ordinances for just cause evictions

C3-1

Passed by a quorum vote of the Board of Directors of Tri-City Homeless Coalition on June 24, 1999.


Rev. Dr. Greg Roth
Board President


Louis D. Chicoine
Executive Director

COMMENTOR C3

Rev. Dr. Greg Roth and Louis D. Chicoine, Tri-City Homeless Coalition.
July 6, 1999.

C3-1 Comment acknowledged. These comments address proposed general housing policies rather than the EIR.

LAW OFFICE OF ROY GORMAN
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Oakland, California, 94612
-ooo000ooo-
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Facsimile: (510) 496-3311

July 6, 1999

City of Alameda
Ms. Cynthia Eliason
Planning Department
2236 Santa Clara Avenue, Room 120
Alameda, CA 94501

RECEIVED

JUL 06 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

Subject: Draft EIR for Reuse of Naval Air Station Alameda

Dear Ms. Eliason:

We represent the Golden Gate Audubon Society ("Audubon") in connection with proposals for the reuse and development of the a former Alameda Naval or station. We appreciate the opportunity to review the Draft EIR for Reuse of Naval Air Station Alameda and Fleet Industrial Supply, Alameda Annex and Facility. Our comments are focused primarily on the potential effects of the reuse of the former Alameda Naval Air Station on the protection of avian species, wildlife habitat and ecological values of San Francisco Bay and nearby land areas. The former Naval where station supports for the world's largest breeding colonies of the endangered California Least Tern. It is the only significant colony of Least Terns north of Santa Barbara, producing 10 percent of total population young each year. The continued success of his colonies crucial to the recovery of this endangered bird. The former Alameda Naval Air is also important as a refuge for the endangered brown pelicans and hosts the largest nesting colony of Caspian Terns on the Pacific Coast.

Audubon believes that the full-size, 595 acres a land area, wildlife refuge managed by the Fish and Wildlife Service would be most effective for protection these species. Decrease of Wildlife Refuge to 525 land acres, in the concomitant development of the Northwest Territories for golf course purposes, along with the development of the eastern boundary of the wildlife refuge for various urban and community uses, use a major threat to protection of endangered and threatened wildlife.

Audubon has brought these concerns to the attention of the Alameda Reuse and Redevelopment Authority (ARRA) and the City in several past letters. We will not repeat these comments, however, we incorporate by reference the letters submitted by Alan Waltner on behalf of the Golden Gate Audubon Society to the Alameda Reuse and Redevelopment Authority, dated January 26, 1996, which discusses the appropriate scope for this Draft EIR, in many of its comments remain relevant to the project now under consideration. A copy of this letter is attached hereto.

We will focus our comments on two major areas of continuing concern. First, is the development of the Northwest Territories and in land along the eastern boundary in a manner which may not fully protect endangered species and other wildlife on the Refuge. Audubon's major concern is that the biological opinion provided by the U.S. Department of the Interior, Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, has not been

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sufficiently discussed or evaluated in the draft EIR; specifically, it has not been adequately incorporated into the mitigation measures proposed in the draft EIR.

Second is our concern that the proposed extinguishment of the public trust from an unidentified portion of the site, potentially totaling several hundred acres, has not been adequately addressed and mitigation measures have not been identified or analyzed to insure that the significant adverse impact of this project on the public trust will be reduced to a level of insignificance. The evaluation in the draft DIR is conclusory and lacks detail necessary to enable public review and understanding.

Inconsistencies with U.S. FWS Biological Opinion

On March 22, 1998, the U.S. Fish and Wildlife Service issued a biological opinion to Douglas Pomeroy of the Environmental Planning Branch of the U.S. Department of the Navy. A copy of this Biological Opinion ("BO") letter is appropriately incorporated in Technical Appendix D to the DEIR. This opinion reviews scientific reports and discusses the potential of the project to jeopardize the continued existence of the endangered least tern or the endangered brown pelican. The biological opinion states:

The proposed action of conveyance and reuse of the NAS/FISC would not directly eliminate any breeding habitat of the least tern and brown pelican. However, the proposed action would result in a loss of buffer space between endangered species habitats and adjacent urban development, and introduced additional urban habitats and associated predators, and the loss of forging habitat. The proposed action would (1) increase predation pressure and threats from avian and a mammalian predators on least terns, (2) increased human-related disturbance on least terns and brown pelicans, (3) potentially cause contaminants-related adverse effects to least terns and brown pelicans, and (4) reduced the quality of open water forging habitats released terns and brown pelicans by dredging activities.

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Biological Opinion, pg. 8. The increase of predation pressure results from a combination of several factors, including, but not limited to: development of the Northwest Territories (NWT) would eliminate buffer area and development could provide perch sites for avian predators; development of the NWT would have a net reduction about the 58 acres of grass land reducing other prey species; increase in irrigated fairways could increase the number of crows an establishment of trees would enhance the bursting in nesting sites for crows and ravens; increased food availability from waste materials and garbage in the NWT and City Core areas would attract and support small mammal and avian predators; new outdoor lighting could increase nocturnal predation; new roosting sites would be produced by new buildings and light polls. (B.O. pg. 8-11) The opinion also describes a reduction in the ability conduct effective predator management at the level practice by the Navy over last 10 years, an activity described as "... critical to the effectively controlling predation pressure at the least tern colony site." (B.O. pg. 11) Any decrease in predator management "... likely would result in a significant increase in predation threats and pressure on least terns at the colony site;" (B.O. pg. 12)

In response to the Fish and Wildlife Service concerns, the base reuse project was modified

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to address potential threats to endangered species. The biological opinion concluded that the project **as proposed**, including measures to reduce or eliminate the above described threats, is not likely to jeopardize either the least tern or the brown pelican. Moreover, the opinion set forth numerous specific, non-discretionary measures that must be undertaken as "binding conditions" of the grant of the property from the Navy. (See B.O. pages 15 to 25.) Without these project modifications and non-discretionary measures the Fish and Wildlife Service could not have found that the project would not substantially effect these endangered species and their habitat.

While the DEIR recognizes that the Fish and Wildlife Service's Biological Opinion includes "non-discretionary measures that must be undertaken by either the Navy or the City of Alameda (DEIR; pg. 4-74)", there are many discrepancies between the BO's non-discretionary measures and the language in the DEIR.

Examples include:

1) DEIR: "For purposes of this EIR, it is assumed that the Northwest Territories planning area may be developed adjacent to the boundary [of the Refuge]" (DEIR pg. 4-74).

BO: "No buildings shall be constructed in the area within 200 feet from the northern boundary between the proposed Refuge and light-industrial area." (B.O. pg. 20, 3. b.).

2) DEIR: "Buildings in the proposed light industrial area of the Northwest Territories planning area should be no higher than two stories (40 feet)...." (DEIR pg. 4-75)

BO: "A maximum of three (3) 20-foot high buildings may be constructed in the area between 200 to 300 feet from the Refuge..." (B.O. pg 20, 3.b.) This discrepancy in height limits for buildings (40 feet in the DEIR, 20 feet in the 200 to 300 foot zone in the BO) is especially troubling since this language directly follows the DEIR language stating that the BO is "non-discretionary".

3) DEIR: "Shrubs should be less than 15 feet in height [in the Northwest Territories]" (DEIR pg. 4-75, first paragraph).

BO: "No... shrubs greater than six (6) feet in height." (B.O. pg. 21; 3.d.).

4) DEIR: "Human and domestic/feral animal access in the USFWS Wildlife Refuge from the Marina and Civic Core planning areas would not be a significant impact" (DEIR pg. 4-79).

BO: "Increased food availability from waste materials and garbage...especially in the NWT and Civic Core area, likely would attract and support larger small mammal populations, including rats, feral cats... As mammalian predator populations increase in developed areas, predators forced out of these areas by population density-dependent factors...could infiltrate adjacent least tern breeding habitat." (B.O. pg. 10).

5) DEIR: "Under this agreement [during current caretaker status]... there is a caretaker staff of 13 firefighters, by police officers, and one animal control officer." DEIR pg. 4-38.

DEIR: Public services mitigation measures 1 and 2 for the Reuse Plan Alternative add eight

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officers and four patrol cars plus 30 new staff for firefighting and emergency response; but the DEIR proposes no animal control personnel. DEIR pg. 4-38, 39.

B.O.: "The City shall assume responsibility for implementation of the predator management plan on lands outside the boundaries of the proposed Refuge... The lands to be managed for predators shall be all lands west of Main Street including NWT, Civic Core, Marina, Inner Harbor..." (B.O. pg. 18; 1.e.).

6) The DEIR proposes to mitigate the added security responsibilities taken on by the City of Alameda by proposing to have 8 police officers assigned to patrol the new site. DEIR pg. 4-38. Mitigation/Public Services: At 24 hours per day patrolling, with two officers per car, this barely allows, by our calculations (taking into account sick days and holidays), one patrol car at any one time even though the DEIR states that this level of staffing will provide 2 patrol cars. Furthermore, since the transferred land will make up an area nearly 1/3 the size of Alameda that is currently patrolled by the City of Alameda even 2 cars seems to be inadequate to the task.

This inadequacy will be particularly significant for the Refuge. During the last few months there have been reports of significant trespassing onto the Refuge property over the existing fence. In May, approximately sixty cars entered the Refuge after breaking through the fence. It will be up to the Alameda Police Department to protect the Refuge from trespassing. Taking into account the recent trespassing events, it is clear that this will require a considerable amount of attention on the part of the Alameda Police. We do not believe that two patrol cars can provide the necessary level of protection.

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The DEIR also does not indicate how the City will provide feral cat control in areas outside the Refuge boundaries. Such control is an obligation resulting from the Biological Opinion. (B.O. pg. 18; 1.e.) Financing for both the police and feral cat control is a critical issue and the DEIR should indicate how these services will be financed since there will be no property taxes to pay for them from the redevelopment area.

Since the DEIR is not addressing specific zoning requirements for the transferred land, the City taking an alternative approach to zoning, how can the public be assured that the measures required by the BO are implemented through zoning decisions, e.g. how can the public be assured that 20 foot height limits are adhered to?

7) Biological Resources Mitigation 1 incorporates several important limitations on number and height of outdoor light poles and lighting direction, consistent with in the Biological Opinion. DEIR pg. 4-75; see B.O. pg.22.) However, the DEIR does not address the specific performance standard noted in the biological opinion: ambient lighting within 750 of the traditional tern colony will not increase by more than 10 percent above existing ambient night time levels. (B.O. pg. 20.)

8) DEIR: DEIR recognizes that the use of the golf course and other areas could introduce pollutants that could affect water areas uses by the least tern for foraging. DEIR 4-108. Yet it does not provide limitations on operation and maintenance. However, the Biological Opinion notes the need for limits on uses of water, herbicides, and pesticides and in management of storm water. (B.O. pp. 14, 22.)

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Each of the above examples plus any other discrepancies between the draft EIR and the Biological Opinion should be addressed.

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Public Trust

The draft EIR rejects the recommendation of numerous persons in scoping the environmental review, that the DEIR examine an alternative which is fully consistent with the public trust obligations. DEIR pg. 2-46-47. The DEIR states that the City, the ARRA and the State Lands Commission have identified "... sufficient quantity of appropriate land of adequate value that is available on site were in the vicinity to feasibly bring all of the existing reuse alternatives into compliance with the public trust for land trades and, possibly, to contributions to the Kapiloff Land Bank Fund." The DEIR goes on to assert that land traded into public trust uses would be more valuable for trust purposes and would avoid conflicts with historic preservation requirements. DEIR pg. 2-47. Finally, the DEIR states that redevelopment of the area as currently subject to the trust for trust purposes "... would not be adequate to reduce enough income to make economic development of the property feasible." *Id.*

However, the DEIR does not identify these lands or evaluate their specific potential for contribution to public trust purposes. Nor does it provide any estimates of the land values or any economic evaluation of feasibility of trust uses. These assertions should be supported with sufficient factual information to allow the public and decisionmakers to evaluate and respond to the authors' conclusions.

The California Supreme Court has stated that "an EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which: (1) offer substantial environmental advantages over the project proposal (Pub.Resources Code, § 21002); and (2) may be 'feasibly accomplished in a successful manner' considering the economic, environmental, social and technological factors involved. (Pub.Resources Code, § 21061.1; Guidelines, § 15364; *Citizens of Goleta Valley v. Board of Supervisors* (1988) [197 Cal.App.3d 1167] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.[*Goleta II*].

C4-2

An EIR should "[d]escribe a range of reasonable alternatives to the project or to the location of the project, which could feasibly attain the basic objectives of the project and evaluate the comparative merits of the alternatives." The discussion must "focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly." *Kings County Farm Bureau v. City of Hanford*, (1990) 221 Cal.App.3d 692, 733; 270 Cal.Rptr. 650.

All reuse project alternatives selected the instant DEIR, depend upon the mitigation offered by the trust land swap to offset the project's significant impacts on the public trust

"Public Resources Code section 21002 requires agencies to adopt feasible mitigation measures to substantially lessen or avoid otherwise significant adverse environmental impacts.

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CEQA guidelines state that to be legally adequate mitigation measures must be capable of: "(a) Avoiding the impact altogether by not taking a certain action or parts of an action. (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation. (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment. (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action." (Guidelines, § 15370.)

For each significant effect, the EIR must identify specific mitigation measures; where several potential mitigation measures are available, each should be discussed separately, and the reasons for choosing one over the others should be stated. If the inclusion of a mitigation measure would itself create new significant effects, these too, must be discussed, though in less detail than required for those caused by the project itself. (Guidelines, § 15126, subd. (c); *Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986, 995-996." See, *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, 1027.

In *Sundstrom v. County of Mendocino*, the court set aside a county's approval of a conditional use permit authorizing construction of a sewage treatment plant to serve an existing development. The court found the county had violated CEQA by approving the project based on a negative declaration without first resolving uncertainties regarding the project's potential to cause significant environmental impacts. Because the success of mitigation was uncertain, the county could not have reasonably determined that significant effects would not occur. This deferral of environmental assessment until after project approval violated CEQA's policy that impacts must be identified before project momentum reduces or eliminates the agency's flexibility to subsequently change its course of action. *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307-308, 248 Cal.Rptr. 352.

C4-2

This EIR does not adequately discuss the Public Trust land mitigation -- there is no way for the public to evaluate whether the land swaps or contribution to a land mitigation fund would actually reduce or offset the loss of public trust options if the trust is extinguished on some or all of the Site.

The DEIR should be revised and recirculated with a full evaluation of a public trust alternative or a thorough evaluation of the expected effectiveness of the proposed land swap mitigation measures.

Thank you for your attention to these issues.

Yours truly,

Roy Gorman
 Attorney for Golden Gate Audubon Society

cc Arthur Feinstein, GGAS

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January 26, 1996

Alameda Reuse and Redevelopment Authority
Postal Directory, Bldg 90
NAS Alameda
Atlantic Ave. & Main Street
Alameda, CA 94501-5012

Re: NAS Alameda Community Reuse Plan

Dear Alameda Reuse and Redevelopment Authority:

Our firm represents the Golden Gate Audubon Society ("Audubon") in connection with pending proposals for reuse and redevelopment of the Alameda Naval Air Station ("ANAS"). These comments are submitted on the January, 1996, Community Reuse Plan Public Review Draft ("Reuse Plan") for the ANAS, focusing on issues raised by the limited area devoted to the preservation of habitat for the endangered California least tern.

Specifically, Audubon demands that the entire refuge site¹ proposed in September 1994 by the U.S. Fish and Wildlife Service ("FWS") for an Alameda National Wildlife Refuge ("FWS Refuge Site") be set aside for habitat preservation purposes. "Why Establish the Alameda National Wildlife Refuge? A Proposal by the U.S. Fish and Wildlife Service," September, 1994 ("Refuge Proposal").

The Refuge Proposal set forth a number of reasons why the full FWS Refuge Site is necessary to support the recovery of the California least tern. As recognized in the Refuge Proposal, "Alameda NAS supports one of the world's largest breeding colonies (254 birds in 1993) of the endangered California least tern. This site represents the only significant colony north of Santa Barbara, producing 10 percent of the total population's young each year." The site is also important for endangered brown pelicans and hosts the largest nesting colony of Caspian terns on the Pacific coast. The FWS Refuge site proposal was

¹The Fish and Wildlife Service proposal includes a 595 acre land portion with approximately 400 acres of tarmac and paved runways, 140 acres of grassland, and 55 acres of wetlands. The proposal also includes a 118 acre open space/grassland conservation easement, and 375 acres of bay waters.

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based upon the need to provide a sufficient buffer to ensure minimal human disturbance and limited encroachment by future development. Specifically, FWS found that: "The open grassland and tarmac surrounding the colony provide a habitat for jackrabbits, ground squirrels, and mice, which in turn provide a source of food for large predatory birds, who also prey on least tern chicks. Without this food source, the chicks could become a target for avian predators." Refuge Proposal at 3.

As noted in a January 18, 1996, letter from seven scientific experts on the California least tern, "The site at NAS Alameda represents essentially the entire breeding population of least terns in the San Francisco Bay area Clearly, the site at NAS Alameda has played a critical role in the recovery of California least terns." This letter again notes the importance of alternative predator-supporting habitat which "channels predators away from terns " It concludes: "[T]he continued success of this site is crucial to the continued recovery of the endangered California least tern. We contend that any significant change to the current configuration of the airfield and adjacent open areas may irrevocably affect the success and perpetuation of the NAS Alameda least tern colony, potentially jeopardizing recovery for this endangered subspecies." (Emphasis Added).

Nonetheless, the Reuse Plan leaves open the potential for development on more than 200 acres of the FWS Refuge Site, as well as the 118 acre open space/grassland buffer area proposed by FWS. The Reuse Plan designates this area as the "Northwest Territories," proposed for development with a mix of light industry, a golf course and related facilities, and approximately 29 acres of open space.

For the reasons discussed below, we believe that this designation fails to implement the primary task of the Reuse Plan -- to present and consider "the constraints which challenge successful development" of the site, specifically constraints under the laws that ensure preservation of the full habitat area necessary to support the recovery of the California least tern, among other habitat, open space and recreational values. In order to provide a more accurate basis for future reuse planning, the document must be amended, at the outset, to include the full FWS Refuge Site. Put in the terms of the Reuse Plan, the constraints of the currently proposed "Northwest Territories" should be acknowledged by designating that entire area as a

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portion of the "Wildlife Preserve" subarea in the plan.²

As you know, under the Military Base Reuse Authority Act, Government Code § 67800 et seq. ("MBRAA"), several substantive environmental obligations are established or confirmed. First, MBRAA directs that: "Any reuse and development of the military base should to the maximum extent possible maintain and protect the unique environmental resources of the state." Government Code § 67801(d). Here, unless the full FWS Refuge Site is designated as wildlife preserve, this directive will not have been satisfied.³ Special provisions of CEQA applicable to base reuse plans also make clear that: "All subsequent development at the military base or reservation site shall be subject to all applicable federal, state, or local laws, including, but not limited to, those relating to air quality, water quality, traffic, threatened and endangered species, noise, and hazardous or toxic wastes, substances, or materials." Public Resources Code § 21083.8.1.(e).

Here, the proposal to develop the "Northwest Territories" rather than preserving them as wildlife habitat runs afoul of several environmental laws. To begin, the entire Reuse Plan must be supported by an adequate environmental impact report, which has not yet been prepared. Constraints under the federal endangered species act would likely bar transfer of the property by the Navy for the currently proposed development purposes. Similar limitations are faced under state law, including the constitutional public trust doctrine and California endangered species act. Both separately and together, these constraints will likely prevent development of the Northwest Territories portion of the site. These constraints should be acknowledged and incorporated into the plan at the outset, with the full FWS

²In addition, the reuse plan in several locations contemplates potential reduction of the wildlife refuge area and/or more intensive uses of the refuge in the event that recovery efforts for the California least tern fail. E.g., Reuse Plan at 5-5. However, the proposed refuge area is not constrained solely by the least tern habitat needs, but by public trust, habitat use by other species, open space and other considerations. The provisions in the plan providing for reversion of portions of the refuge area must be eliminated.

³Additionally, MBRAA provides that: "In preparing, adopting, reviewing, and revising the reuse plan, the board shall be consistent with approved coastal plans, air quality plans, water quality plans, spheres of influence, and other countywide or regional plans required by federal or state law" Government Code § 67840(c).

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Refuge Site included in the proposed wildlife preserve. Failure to do so risks continuing controversy and delay of the entire base conversion. These constraints are discussed in greater detail below.

CEQA Obligations

The most glaring problem with the proposed Reuse Plan is the failure to comply with the California Environmental Quality Act ("CEQA"), specifically the preparation of an Environmental Impact Report ("EIR"), **before** adoption of the plan. The Reuse Plan indicates that: "The preferred land use plan **chosen** for NAS Alameda is described in this document" Reuse Plan at 1-4 (Emphasis Added). Yet completion of an EIR is not contemplated for at least a year. Reuse Plan at 1-5. The rationale for this appears to be the argument that adoption of the plan is not a CEQA "approval," which instead would occur only when the City General Plan and Zoning Ordinance are adopted. Id. This argument is legally incorrect.

Under the guidelines implementing CEQA, project "approval" is defined to be "the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. . . ." Title 14, California Code of Regulations ("Guidelines"), Section 15352. The Reuse Plan recognizes that: "While the Community Reuse plan is not a General Plan, it does serve as a guide for changes to the City's General Plan and land use regulations." Reuse Plan at 1-5. In fact, under Government Code § 67840.1, cities are required to submit a general plan implementing the reuse plan, and under Section 67840.2, the ARRA board is to approve the plan or portions thereof, "if the board finds that the portions of the general plan or amended general plan applicable to the territory of the base meet the requirements of this title, and are consistent with the reuse plan." Otherwise, the general plan submitted by the city is refused certification. Id.⁴

Thus, the adoption of the Reuse Plan commits ARRA "to a definite course of action" and reflects a project approval triggering an EIR requirement. The failure to prepare an EIR in

⁴The reuse plan likewise states that: "All actions taken to further the reuse of NAS Alameda should comply with the adopted goals and objectives of the Community Reuse Plan." Reuse Plan at 10-6.

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advance of the Reuse Plan approval violates CEQA.⁵ Moreover, an environmental impact report is expressly required for all base reuse plans, regardless of any exceptions or exemptions that otherwise might apply to the activity. Public Resources Code § 21151.1(a)(4).⁶

As recognized by the Supreme Court in No Oil, Inc. v. City of Los Angeles, 13 Cal.3d 68, 88 (1974), EIRs "should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design . . .". See also CEQA Guidelines § 15004(b)(1); Stand Tall On Principles v. Shasta High School, 235 Cal.App.3d 772, 780 (1991). Given the momentum to the planning process resulting from the Reuse Plan, and the project "approval" that will result from adoption of that plan, an EIR is required now, rather than later.

Among the key requirements in CEQA is the requirement that environmentally preferable alternatives be found infeasible before they are rejected. Specifically, whenever significant

⁵Under special CEQA procedures that apply to base reuse plans, a federal EIS "on the closure and reuse" of the base may be used, following specified procedures, as the draft environmental impact report on the reuse plan. Public Resources Code § 21083.8. However, the Draft Environmental Impact Statement, Candidate Base Closures/ Realignment San Francisco Bay Area, 1990, ("DEIS"), covered only the closure and not the reuse of the ANAS, and therefore does not qualify for this procedure. Specifically, with regard to endangered species impacts, only the beneficial impacts of closure (reduced pollutant runoff, etc.) were considered and no adverse impacts of reuse were evaluated. DEIS at A-119. The base closure EIS expressly deferred consideration of endangered species impacts from reuse proposals to a future document. DEIS at A-119 ("If impacts to threatened and endangered species are expected as a result of future uses of naval facilities, such impacts and corresponding mitigation measures would be addressed in NEPA documents that would be prepared for specific reuse of the facility.") In any event, Public Resources Code § 21083.8 confirms that, even where the special procedures are followed, "the environmental impact report for the reuse plan shall be completed in compliance with this division."

⁶Statutory provisions permitting the preparation of the EIR after the redevelopment plan only pertain to specified base closures that do not include the ANAS. Health and Safety Code §§ 33320.7, 33492.94.

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environmental impacts⁷ are identified in an EIR, Public Resources Code § 21081 requires one of the following findings:

- (a) Changes or alterations have been required in, or incorporated into [the] project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.

* * *

- (c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

Here, the designation of the full FWS Refuge Site as a wildlife preserve is feasible and therefore is required under these "action forcing" provisions of CEQA.

Obligations Under the Federal Endangered Species Act

Three independent obligations under the federal Endangered Species Act ("ESA") apply to the ANAS closure and reuse activities -- first, the affirmative obligations of all federal agencies to implement programs to conserve endangered species under Section 7(a)(1), second, a federal agency consultation requirement under Section 7(a)(2), and third, the prohibition on taking endangered species under Section 9, except as may be permitted under Section 10. The Section 7 obligations attach to federal agency actions, such as the proposed transfer of the property for reuse purposes; the Section 9 prohibition and Section 10 permitting requirements apply to all persons or entities involved in the development of the property.

As discussed in Carson-Truckee Water Conservation Dist. v. Watt, 549 F.Supp. 704 (E.D. Cal. 1983), affirmed 741 F.2d 257 (9th Cir. 1984), all federal agencies are obligated to undertake affirmative actions to conserve and assist the recovery of endangered species under Section 7(a)(1). This affirmative conservation duty is defined under the ESA as -- "the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to [the ESA] are no longer

⁷Under the CEQA Guidelines, Appendix G, a significant effect on the environment would result from a project that would "Substantially affect a rare or endangered species of animal or plant or the habitat of the species."

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development of those portions of the site important to endangered species must comply with the takings prohibitions and permitting requirements of ESA Sections 9 and 10. Prohibited taking includes habitat modification, as well as harassment.¹¹ Given the importance of the Northwest Territories to the survival and recovery of the California least tern, a Section 10 permit would likely be required for any development in that area.

California Endangered Species Act Obligations

As you know, California has its own Endangered Species Act ("CESA") found at Fish and Game Code § 2050 et seq. CESA establishes a policy that state agencies not approve projects which "would jeopardize the continued existence of any endangered species¹² or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternative available consistent with conserving the species or its habitat which would prevent jeopardy." Fish and Game Code § 2053. All state agencies making decisions regarding the project must carry out this affirmative obligation. In particular, the State Lands Commission must comply with this requirement in addressing the public trust issues discussed below. Since a reasonable and prudent alternative exists that would preserve the full refuge site proposed by FWS, any state agency approvals must under this affirmative obligation conform to this full acreage needed by the California least tern.

Impairment of the Public Trust from Habitat Destruction

As recognized in the Reuse Plan at page 2-25, "Currently the majority of the Northwest Territories is under public trust jurisdiction. The northwest point, a 200 foot strip along the northern waterfront, and the wetlands area are the only portions of this area that are not in the public trust."¹³

¹¹The ESA regulations define the term harassment broadly to mean "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding or sheltering." 50 C.F.R. § 17.3.

¹²The California least tern is listed as endangered at 14 C.C.R. § 670.5.

¹³While we disagree with the suggested exclusion of the wetlands from public trust protection, we agree that the Northwest Territories remain subject to the public trust. City

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necessary." 16 U.S.C. § 1532(3). The Section 7(a)(1) obligation is independent and in addition to the consultation requirement under Section 7(a)(2) discussed below. The Navy must implement this obligation in its various decisions regarding the reuse of the ANAS; we believe that Section 7(a)(1) prohibits the Navy from transferring any of the FWS Refuge Site for development purposes.

ESA Section 7(a)(2) requires consultation by Federal agencies with FWS to "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence⁸ of any endangered species or threatened species or result in the destruction or adverse modification⁹ of habitat of such species which is determined by the Secretary, after consultation as appropriate with affected States, to be critical . . . In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available." 16 U.S.C. § 1536(a)(2) and (3).¹⁰ The base transfer action by the Navy must comply with these requirements. As discussed above, FWS has already recommended designation of a wildlife preserve much larger than proposed in the Reuse Plan. Designation of a smaller area could prevent FWS from issuing a no-jeopardy opinion to the Navy and therefore delay the overall base transfer process.

In addition to the Section 7 obligations of federal agencies, all individuals and entities undertaking the

⁸This term is defined in the regulation to mean "to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species." 50 C.F.R. § 402.02.

⁹This is defined in the regulations as "a direct or indirect alteration that appreciably diminishes the value of critical habitat of both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining the habitat to be critical." 50 C.F.R. § 402.02.

¹⁰The consultation process centers around a biological assessment. 50 C.F.R. § 402.12. The purpose of the biological assessment is to "evaluate the potential effects of the action on listed and proposed species and designated and proposed critical habitat and determine whether any such species or habitat are likely to be adversely affected by the action . . ." 50 C.F.R. § 402.12(a).

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It is by now well established that the public trust protects environmental values. Marks v. Whitney (1971) 6 Cal.3d 251, 59-60. [98 Cal.Rptr. 790, 491 P.2d 374] ("There is a growing public recognition that one of the most important public uses of the tidelands -- a use encompassed within the tidelands trust -- is the preservation of those lands in their natural state, so that they may serve as ecological units for scientific study, as open space, and as environments which provide food and habitat for birds and marine life, and which favorably affect the scenery and climate of the area.") The public trust encumbers even a fee title granted by the State, and trust values cannot be impaired to serve non-trust objectives. City of Berkeley v. Superior Court (1980) 26 Cal.3d 515, 521 [162 Cal.Rptr. 327, 606 P.2d 362]. This encumbrance is often referred to as a public trust easement or servitude. Public agencies responsible for administering trust properties have an affirmative duty to "preserve, so far as consistent with the public interest, the uses protected by the trust." National Audubon Society v. Superior Court (1983) 33 Cal.3d. 419, 446-47 [189 Cal.Rptr. 346, 658 P.2d 709]. Agencies also have "an affirmative duty . . . to protect public trust uses whenever feasible" Id.

As acknowledged in the Reuse Plan, the proposed light industrial park and golf course do not serve public trust purposes and are not allowed on trust lands unless the public

of Alameda v. Todd Shipyards, 632 F.Supp. 333 (N.D.Ca. 1986), modified at 635 F.Supp. 1447; Marks v. Whitney, 6 Cal.3d at 261 ("Reclamation with or without prior authorization from the state does not ipso facto terminate the public trust nor render the issue moot."). This is particularly true where the trust values sought to be protected at this site (habitat use by endangered birds) are still present and have never been eliminated. Similarly, since the current uses of the property are being abandoned in their entirety by the Navy, and since the habitat trust values still remain on the property, this situation does not present issues of fairness and reliance such as those faced in City of Berkeley v. Superior Court (1980) 26 Cal.3d 515, 534 [162 Cal.Rptr. 327, 606 P.2d 362], which led to the Court to limit the "retroactive" application of this rule. ("In the harmonizing of these claims, the principle we apply is that the interests of the public are paramount in property that is still physically adaptable for trust uses, whereas the interests of the grantees and their successors should prevail insofar as the tidelands have been rendered substantially valueless of those purposes.") Indeed, during its tenure, the Navy actively preserved and promoted the trust habitat uses of the site, as it arguably was required to do under its ESA Section 7 obligations, discussed above.

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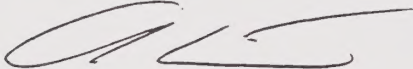
trust is extinguished. The plan therefore proposes that the public trust servitude over the Northwest Territories be extinguished through land trades. What this proposal ignores is the fact that the trust values in the Northwest Territories (habitat areas necessary for endangered and other species) cannot be replicated elsewhere. As a result, no trade that preserves this unique trust resource is possible. The Reuse Plan must recognize this constraint by designating the entire Northwest Territories as a portion of the wildlife preserve in the proposed plan.

Conclusion

For the reasons described above, the Northwest Territories area designated in the Reuse Plan is extremely constrained from a regulatory standpoint and likely cannot be developed as proposed. At a minimum, pursuit of the proposed light industrial and golf course developments in this area will result in substantial controversy and delay that could well spill over to affect the entire base transfer process. Audubon requests that you acknowledge these constraints at the outset and designate the entire Northwest Territories area as a portion of the wildlife refuge. In any event, action at this time is premature until an EIR has been prepared for the full reuse plan.¹⁴

We appreciate your consideration of these comments.

Sincerely,



Alan Waltner

cc: Alameda Mayor Ralph Appezato
Alameda Councilman "Lil" Arnerich
San Leandro Mayor Ellen Corbett
Alameda Supervisor Wilma Chan
Alameda Councilmember Karin Kucas
Albert DeWitt
Sandre Swanson
Oakland Mayor Elihu Harris

¹⁴On a procedural level, we request to be placed on the mailing list for all notices from your office regarding this project, including but not limited to all hearing notices, notices of preparation and notices of determination for the base reuse plan and implementing activities, and notices required under special provisions of law such as Public Resources Code § 21083.8.1.

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Senator Dianne Feinstein
Senator Barbara Boxer
Congressman Ronald V. Dellums

Department of the Navy
Fish and Wildlife Service
State Lands Commission

Arthur Feinstein, Golden Gate Audubon Society
ARRA via facsimile (521-3764)

COMMENTOR C4

Roy Gorman, Attorney for Golden Gate Audubon Society, Law Office of Roy Gorman. July 6, 1999.

- C4-1 The examples of discrepancies between the Biological Opinion (BO) and the Draft EIR outlined by the Commentor have been addressed as follows:

Page 4-74 has been amended as follows:

Page 4-74, Paragraph 1. Sentence 2: "For the purposes of this EIR, it is assumed that the Northwest Territories planning area may be developed adjacent to the boundary, provided that no buildings are constructed within the required buffer area between the proposed Refuge and the light industrial area, as stipulated in the mitigation measures described below."

Page 4-75 has been amended as follows:

Page 4-75, Paragraph 1, Sentence 1: "No buildings shall be constructed in the area within 200 feet from the northern boundary between the proposed Refuge and light industrial area, and a maximum of three (3) 20-foot high buildings may be constructed in the area between 200 to 300 feet from the Refuge/light industrial boundary. Beyond 300 feet from the Refuge boundary, buildings in the proposed light industrial area..."

Page 4-75 has been amended as follows:

Page 4-75, Paragraph 1, Sentence 5: "Shrubs should be less than ~~45~~ 6 feet (~~5~~ 2m) in height..."

As the Commentor points out, the BO states that increased food availability from waste materials and garbage associated with proposed development is likely to lead to an increased predator population, which in turn, would potentially pose a threat to the nearby California least tern population. The Draft EIR is consistent with the BO in its discussion of the effects of increased predation of the California least tern, and in its discussion of the overall effects of human activity. The Draft EIR calls out the increased predation of the least tern (Impact 1) as a significant and mitigable impact. Furthermore, the text specifically mentions development in the Civic Core and Marina areas as a contributing factor in increasing predation (page 4-73). To eliminate any inconsistencies between the BO and the Draft EIR with respect to the assessment of impacts related to human and domestic/feral animal access in the Refuge. The following paragraph has been deleted.

Page 4-79, Paragraph 4: ~~“Human Activity in the Marina and Civic Core Planning Areas. Human and domestic/feral animal access into the USFWS wildlife refuge from the Marina and Civic Core planning areas would not be a significant impact. Because the Marina and Civic Core planning areas are adjacent to the USFWS wildlife refuge and there would be few access restrictions to all areas of NAS Alameda/FISC Alameda, the presence of people and animals would be expected to increase. However, these planning areas are already developed under historic conditions and reuse would not be anticipated to result in a significant increase in the human and animal population. No mitigation would be required.”~~

The predator management program, including feral cat control, has not been designed. However, because of the specialized nature of the program, it has not been determined by the City that an animal control officer is the appropriate personnel. The City may instead choose to hire a consultant specializing in avians to handle predator management provisions in the BO.

Security within the Refuge will be the responsibility of the USFWS and is outlined within their conceptual management plan.

On March 22, 1999, the USFWS issued a Biological Opinion setting forth the reasonable and prudent terms and conditions that are necessary and appropriate to minimized the anticipated level of take associated with the proposed project. These terms and conditions, which are non-discretionary, include building height limitations and setbacks from the proposed USFWS refuge. (See, e.g., Appendix D-3, Term/Condition 3(b), 4(a)-(d), 5(a)-(c).) Please see Mitigation1, Draft EIR pp. 4-74 to 4-75, discussing mandatory implementation of the terms and conditions of the USFWS Biological Opinion.

Page 4-75 has been amended as follows:

Page 4-75, Paragraph 2, Last Sentence: “Other lighting, including lighting levels in the ball fields and the golf course, would be similarly limited as set forth in the terms and conditions of the BO.”

Mitigation Measures 1a through 1f all place limits on uses of water, herbicides, and pesticides and in management of storm water by requiring the implementation of BMPs consistent with the City’s stormwater management and discharge control program; development and implementation of planting and herbicide, pesticide, and fertilizer application plans; and implementation of other water quality control programs. Implementing these Mitigation Measures would minimize

potential effects associated with runoff from the golf course and other development areas.

- C4-2 As a general matter, the following land uses would not be allowed on public trust property: housing, general office, general retail, general warehousing, and research and development. These are the major land uses on the island of Alameda; however, extending these uses into the project site would not be consistent with the public trust in its current configuration, which includes much of the site and nearly the entire Civic Core area. Therefore, a major goal of the project – to incorporate NAS Alameda and FISC Alameda into the City of Alameda – would not be possible.

As discussed in the Draft EIR on page 2-47, the conditions for termination of the trust involving a land exchange include “that land of equal or greater value that is useful for trust purposes is placed in the public trust.” In addition, a trust trade would need to be approved by the State Lands Commissions. The approach to a valuation generally in a trust trade is calculation of fair market value, absent the trust, for the lands to be exchanged. A trust trade that assures equal or greater value to the trust would need to be concluded before the proposed project could be developed.

A “public trust alternative” was rejected for detailed consideration following the public scoping process, as described on pages 2-46 to 2-47 of the Draft EIR and as further explained in this response, because it would not achieve the major goals of the project, it would not offer substantial environmental advantages over the proposed project, and it would be infeasible.

The public trust allows the following uses: open space and water-oriented recreation, maritime, maritime commercial and warehousing, and water-oriented retail commercial. While there are places for these uses in all of the alternative plans for the site, it is not possible to create a financially feasible land use plan entirely with such uses. For example, much of the site’s infrastructure (e.g., roads, sewer lines, water lines, storm drains) is substandard. In order to reuse the site, the infrastructure will need to be upgraded and/or replaced.

The sources of funds available to finance infrastructure improvements and other public goals are developer fees, tax increment financing, land sale proceeds, assessment districts and Mello-Roos Community Facilities Districts. These sources depend on economically robust land uses, many of which are not allowed on public trust lands. While there may be federal and state participation in some of the transportation improvements, the cost of other needed infrastructure is so great that they could not be funded solely by public trust land uses.

Public trust uses such as hotels and maritime-related commercial and office development, which would be located on public trust land, certainly could be developed at NAS. There is a limited market for such uses at NAS, however, which restricts the ability of the City to rely on such uses to fill up all of the public trust lands. Moreover, the reuse plan contemplates a broad range of uses at NAS, both public trust and non public trust. For example, there is a need in the community for non public trust uses such as general purpose industrial, warehousing and commercial uses, and housing (including affordable housing). While certain public trust uses may individually produce economic return, there is insufficient demand for such uses to cover all of the public trust lands at NAS.

Regarding the availability of lands to exchange into the public trust, substantial areas of NAS Alameda are not encumbered by the public trust, such as much of the shoreline along the Oakland Inner Harbor, and would be of great value to the trust. Another area of the site that is not in the public trust is the triangular area proposed for a regional park on the NAS Alameda Inner Harbor in the southeast portion of the site. The current pattern of the public trust follows the historic shoreline of Alameda, which is not coterminous with the modern shoreline. Public trust lands occupy much of the center of the site and would not allow attainment of the goals of the reuse plan for mixed use redevelopment nor serve water-oriented trust uses.

Rearrangement of the public trust to accommodate reuse, including reuse of the Northwest Territories, would be feasible, and would place higher value shoreline land into the public trust. In addition, substantial areas of the site would be reserved for uses consistent with the trust (recreation, open space and maritime related activities) under all of the alternatives. To the extent that there is a deficit of land to exchange into the trust, the development would be charged an additional fee to be paid to the Kapiloff Land Bank Fund for purchase of lands for public trust purposes. When the Draft EIR states that no development inconsistent with the public trust would be permitted, this is simply a restatement of the law and an affirmation that neither the City nor the State will violate the public trust.

The 1996 letter attached to the Commentor's letter states that the proposed uses of the Northwest Territories (light industrial and golf course) would not be feasible because the trust cannot be extinguished in that area. The proposed maritime-related light industrial use would, however, be consistent with the public trust. The proposed Scottish-style links golf course, to the extent it is designed to be oriented to the water and to bring people to the water, also can be a trust-compatible use.

ARC ECOLOGY

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July 8, 1999

City of Alameda Planning Department
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City Hall, Room 120
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Alameda, California 94501-4454

INTRODUCTION

We are pleased to have received this Draft Environmental Impact Report on Reuse of the Alameda Naval Air Station (NAS), the Fleet Industrial Supply Center (FISC) and the Alameda Annex and Facility. Although CEQA anticipates that EIRs will generally be completed in 1-1½ years, this document has been more than 3 years in the making. Environmental conditions have not remained constant since we first commented on the Notice of Preparation (NOP) (3/29/96) on the combined EIS/EIR the Navy and the City circulated. Although the City circulated a second NOP (3/2/99) when they decided to separate the EIR from the EIS, it is clear that much of the EIR had already been written.¹

We were also pleased that the EIR is consistent with some of the suggestions we included in our comments on both NOPs. These comments will necessarily focus on our concerns that were not addressed, as well as on questions and criticisms triggered by the structure and text of the EIR.

Many of our comments relate to errors and conclusory analysis (or lack of analysis) that in our view fail to satisfy CEQA requirements. We have attempted to explain our views about such specific errors and propose corrections to enable this EIR to go forward. Such deficiencies are not uncommon when a city conducts environmental analysis on a project as complex as reuse of NAS-FISC. Indeed, CEQA mandates an iterative process for creating EIRs in order to allow feedback from the public and other public agencies to identify such deficiencies and provide the lead agency the opportunity to remedy the problems while the project is still being formulated.

STRUCTURAL DEFICIENCIES OF THE EIR

[T]he EIR should be used by the City of Alameda to accept the conveyance of property, to adopt any necessary amendments to the City's General Plan, to adopt any rezoning of the site resulting from the Reuse Plan, and in any other approvals needed to implement the Reuse Plan. The City of Alameda and the Community Improvement Commission (CIC) of the City of Alameda will use the EIR as they adopt and implement the Alameda Point Improvement Project (APIP) and the projects to be undertaken as part of the APIP Plan. The certified EIR also would

¹ Arc Ecology's comments on both NOPs are incorporated by reference.

*be used to amend other applicable plans, and as a program-level document for purposes of environmental review of individual development projects.*² [1-17]

PIECEMEAL ANALYSIS

PROBLEM 1. In addition to our concerns about apparent errors and oversights in the specifics of this EIR, we also believe that this EIR has profound problems with its overall structure. Some of these concerns are related to the incomplete definition of the Project – foreseeable actions by the City that are on the critical path to reuse of NAS-FISC are currently undergoing independent environmental review. This piecemeal analysis prevents public officials and the general public from understanding the combined environmental impacts of, and precludes mitigations that use the wider range of options of the full project.

The Project, as defined by this EIR is comprised of 5 related actions by the City of Alameda:

- Acquisition of NAS-FISC,
- The Community Reuse Plan, originally intended to provide the framework for environmental cleanup and for General Plan amendments,
- General Plan amendments for Alameda Point, which will set the development program for -
- the Alameda Point Improvement Program (APIP), the redevelopment plan for the NAS portion of Alameda Point, and
- the LAMBRA program which will provide state and local subsidies to Alameda Point businesses.

C5-1

Additional reuse actions that we are aware of involve the Catellus Project and revisions to the MX Zoning District. The City has issued an NOP for the Catellus Project that indicated the EIR would cover project approvals, General Plan amendments, and redevelopment plan amendments.

The “Roadmap to Project Interrelationships” accompanying the Reuse EIR added to this list of actions (i) rezoning (presumably the changes to the MX District currently in process, (ii) the Development Agreement and the (iii) Disposition and Development Agreement between the redevelopment agency and Catellus, (iv) the Subdivision Map, and (v) amendments to the Business Waterfront Improvement [redevelopment] Plan. The Roadmap indicates that all of these actions will be covered by a single EIR, but it is not altogether clear that it is a reliable guide. For example, it shows zoning for the FISC/EH in the box for the Catellus project, but the

² The EIR continues: “Should any approvals by the City include significant unavoidable environmental impacts, the City would adopt a statement of overriding considerations, as required by CEQA.” It is odd that the document does not consider the possibility that subsequent environmental review at the specific project level would fine tune the project analyzed by this program level EIR.

We are confident the City understands that a finding of overriding considerations should not be their first option, as this sentence suggests. CEQA is unambiguous that a finding of overriding considerations is to be a last resort, and requires public agencies to demonstrate efforts to avoid this conclusion. The City could adopt a statement of overriding considerations only after conducting a full EIR on the project. This subsequent EIR would need to explore alternatives designed to achieve the same goals as the project, but with less impact, and would need to propose reasonable measures to mitigate the impacts whenever possible. It is also possible to deny a project.

We hope this sentence does not portend decisions that override traffic mitigations.

City is in the process of further piecemealing this project by proposing a Negative Declaration for the MX Zoning District revisions (designed to accommodate the Catellus Project). These revisions create an open-ended entitlement process that anticipates ad hoc decisions on development, constrained only by unknown General Plan amendments.

We have raised our concerns about piecemeal analysis previously in our comments on both NOPs for this EIR (March 29, 1996 and April 2, 1999) and in our comments on the Catellus Project NOP (March 8, 1999).

C5-1

SOLUTION 1. Include the MX Zoning District changes and all of the Catellus Project in the Reuse EIR. Alternatively, designate the Reuse EIR as a Master EIR as CEQA recommends for redevelopment and for military base projects, and tier environmental review of all implementation tools and specific development proposals (including the MX Zoning District, the APIP and all decisions concerning the Catellus Project).

POOR MATCH BETWEEN EIR AND PROJECT ACTIONS

The City's approach to the planning of Alameda Point development will rely wholly on the General Plan amendments to set development limits directly, without the refinement of more rigorous standards normally provided by other land use tools. It appears that the General Plan will be the sole source of development standards for reuse of Alameda Point. The City has systematically omitted, or is in the process of stripping substantive requirements out of the applicable zoning and redevelopment laws.

The diagram on the following page illustrates some of the differences between the planning process envisioned by State land use laws (*figure 1*) and the fragmented and illogical approach that Alameda is taking (*figure 2*). In the first instance, the Community Reuse Plan would be reshaped by the EIR into General Plan amendments that would control, but be refined by tools such as the zoning and the redevelopment plan, which together would guide the reuse process. In contrast, *figure 2* shows a process where reuse decisions are made on a first come, first served basis.

C5-2

Relying on General Plan amendments is especially problematic for Alameda Point because nobody can predict their content. This is not just because Alameda expects to consider General Plan amendments *after*, rather than before approving the tools that will implement it. A Major complication of this inverted planning process is that the General Plan amendments cannot be based on the Community Reuse Plan since it is a non-viable development program. It exceeds Alameda's capacity and cannot provide the foundation for General Plan amendments without major revisions.

The public needs to be involved in creating a scaled down Community Reuse Plan that fits Alameda's environmental capacity and reflects consensus values. In the interim, however, we want to be certain that this EIR (based on the Community Reuse Plan) not be applied to an action (the APIP) that is required to fit the much scaled down General Plan amendments to be developed in the future. The section that follows discusses such anticipated actions.

figure 1 NORMAL PLANNING PROCESS

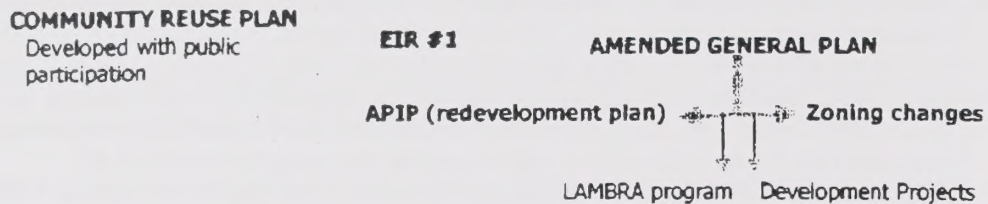
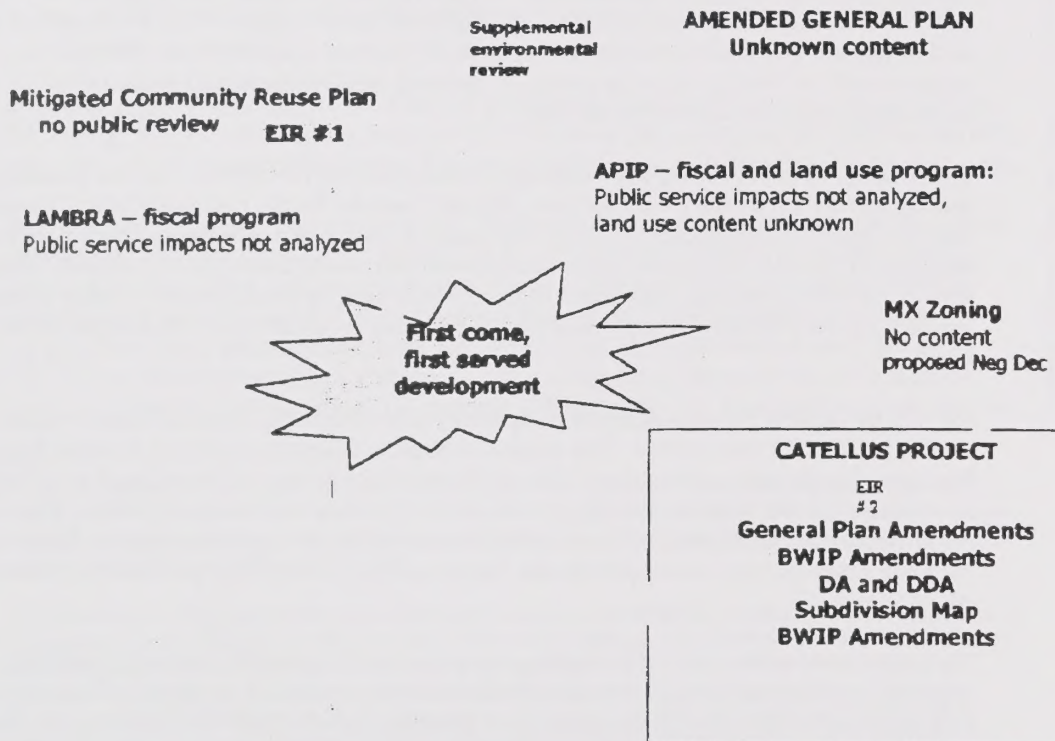


figure 2 ALAMEDA PROPOSED RELATIONSHIP



ACQUISITION

PROBLEM 2. City acquisition of NAS-FISC is the obvious first step of the Reuse Project. This is an action with extensive environmental impacts, equivalent in effect to Alameda annexing an area 1/3 its size. In the process of formulating the Community Reuse Plan, the public and city officials considered some of the implications of such expansion of City jurisdiction. However, the EIR fails to provide a detailed and quantitative analysis of the direct and indirect environmental impacts specific to acquisition even though the City has already approved submittal of its Economic Development Conveyance (EDC) application.

For example, the EIR does not include EDC terms in the Project description. The discussion of the costs the City will incur to extend the full range of city services to Alameda Point is incomplete (only Police, Fire, and Emergency Medical Services are mentioned), and superficial (no effort is made to quantify needs, costs, or resources that could be made available). Similarly, the EIR fails to include an estimate of capital costs - of upgrading and replacing public infrastructure - even though the APIP (an action this EIR purports to review) would dedicate property taxes to financing these front end costs of development.

C5-2

For California localities, such economic burdens generate potentially significant environmental impacts because their options to increase taxation rates or to levy assessments are severely restricted.

SOLUTION 2. Include a discussion of the terms of the Economic Development Conveyance in the FEIR. Provide an analysis of the environmental effects of fiscal demands for infrastructure upgrade and replacement that will become City responsibilities when it accepts conveyance of NAS-FISC.

THE COMMUNITY REUSE PLAN

PROBLEM 3. The City of Alameda invested considerable resources to elaborate a Community Reuse Plan with broad public support. Unfortunately this Plan will exert almost no control over reuse decisions. At best, the DoD would use this Plan to determine environmental cleanup levels and uses it to negotiate a conveyance price.

As the EIR acknowledges, the Community Reuse Plan would only play a role in regulating development at Alameda Point to the extent that the City's General Plan incorporates its provisions. [2-5] However, the likelihood that the Community Reuse Plan actually would be embedded in the General Plan was greatly compromised from the beginning of the planning process. The Community Reuse Plan assumes that an additional estuary crossing would be built. *"A new access point between Alameda and the region is a major part of the new street system."* [CRP4-2]

C5-3

Presumably recognizing this low probability the major environmental impacts that a new crossing would generate, the EIR excluded the additional crossing from the Preferred Alternative. The total amount of development considered was not adjusted downward, however. The Community Reuse Plan found that the Posey and Webster tubes were operating at capacity

in 1990, and estimated that buildout without a new crossing would result in volumes well above capacity [CRP 4-4]. Nonetheless, the EIR designated the development program of the Community Reuse Plan as the Preferred Alternative, while omitting the new crossing that was an underlying assumption. Small wonder, therefore, that the Preferred Alternative overdraws Alameda's transportation budget.

There is no way to know whether approval of the Community Reuse Plan reflects a cynical attempt to defer the real decisions about the development program to a future date, or whether simple denial of an unpalatable reality. In any case, the result of the City's failure to confront the problem during its highly participatory planning process is that the citizens of Alameda now must address an overdrawn transportation account and an EIR (Transportation Mitigation 3b) that proposes to substitute first-come, first-served for Community Reuse Plan priorities.

C5-3

SOLUTION 3. Provide for extensive citizen participation in the process to integrate Alameda Point into the General Plan.

PROBLEM 4. The City's adoption of a Community Reuse Plan mismatched to tube capacity and its nominal use as the Preferred Alternative does not reflect an unwillingness to tinker with community preferences. The EIR states that "*The EIR Proposed Project is the reuse of the property as generally described in the Reuse Plan.*" [2-3]. It also suggests that differences between the Community Reuse Plan and the Preferred Alternative are the result of projections of "more specific details, such as population and employment estimates, and more refined land use acreages...to assist in describing and quantifying impacts."

The differences appear to be more extensive than projections to fill in the details. The Preferred Alternative shows differences in the amount of development estimated for the different subareas by Table 2-3 of the EIR and by Table 2.1 of the Community Reuse Plan (see attachment 1 of these comments). Some of the difference is explainable by amendments to the Community Reuse Plan, but no explanation is offered.

C5-4

Where the EIR does assume details, there is inadequate explanation. The footnote to Table 2-3 indicates that estimates in the EIR are based on "typical" floor area ratios but the EIR leaves it to the reader to infer what these ratios are and provides no source for their derivation.

In contrast, acreage for the Wildlife Refuge has *not* been updated even though the City now acknowledges that 525 acres is not the correct number. The request by the Fish and Wildlife Service (FWS) was based on acreage estimates of the City that subsequent surveys have shown to be inaccurate.

Solution 4. Identify factors of the Preferred Alternative that are different from the Community Reuse Plan and explain why changes have been made. Provide the most accurate estimate to date of the acreage of the Wildlife Refuge, and indicate that the final figure will reflect the agreed-upon location of the boundary, not a predetermined number of acres.

GENERAL PLAN AMENDMENTS

PROBLEM 5. Since the Community Reuse Plan presents a development program that exceeds the island's transportation and air quality, it is obvious that the General Plan will need to present a very different development program for Alameda Point. It will need to scale back Alameda Point development substantially, and it will need to devise strong, innovative measures to reduce vehicle trips. It is reasonable to expect that the public and the City Council will find solutions to the overdrawn transportation account that preserve many of the goals and objectives found in the Community Reuse Plan. However, it is obviously not possible to predict the content of General Plan amendments at this time. The Roadmap indicates that the City intends to provide another round of environmental review for the General Plan amendments. We will only be able to evaluate if this EIR and a subsequent tier of review are adequate when those General Plan amendments come up for consideration.

C5-5

SOLUTION 5 Supplemental review of the General Plan amendments will need to be thorough and rigorous. A facile assumption that there are no additional impacts so long as the total amount of development fits the transportation budget will not be enough. It will be necessary to examine a range of realistic alternatives that scale back the infrastructure and public service costs, and land use patterns that promote transit use.

THE APIP

PROBLEM 6. This EIR does not provide adequate environmental review of the APIP. The first reason is that the EIR does not analyze the environmental consequences of the APIP or mitigate its substantial impacts. The EIR dedicates four paragraphs to a description of the APIP.³

The "Roadmap to Project Interrelationships" indicates that the City intends to apply this EIR to the APIP prior to amending the General Plan. *However, the APIP is inconsistent with the existing General Plan.* The land use map in the APIP provides for virtually any land use everywhere, except in East Housing (designated for single family housing), and the Wildlife Refuge (allocated to open space). The General Plan earmarks all of the APIP Project Area for industrial use (in government ownership) except for East Housing which is indicated as medium density housing. This land use conflict is a significant environmental impact.

C5-6

CEQA requires the EIR to *review* whether the redevelopment plan is consistent with the General Plan; State Redevelopment Law requires the redevelopment plan to *be* consistent. Neither allows Alameda to find the two plans consistent based on a belief that a City Council will reconcile the conflict at some time in the future.

Consistency between the redevelopment plan and the General Plan is more than a formalistic technicality. The consistency requirement says, in effect, that a city may only take advantage of the state's redevelopment program if it meets its responsibilities to the region. To comply with State General Plan requirements, each city must consider the external effects of its development program. State General Plan requirements ensure a minimal level of coordination between the

³ Note that the life of the redevelopment plan is 30, not 45 years.

city's development program and regional needs in areas such as housing, open space, transportation, and air quality.

One reason cities need to coordinate their redevelopment plans is that other agencies in the region contribute their tax revenues to the redevelopment agency. Establishing a redevelopment project area allows the redevelopment agency to capture the property tax growth factor – tax increments – that would otherwise provide the county and special taxing districts with much needed revenue. In Alameda, as in other cities with closed bases, the foregone tax dollars are greater than normal because the tax increment represents *100% of property taxes collected* in the project area.

In return for enabling Alameda to capture property tax revenues that would otherwise support the County, the School District, AC Transit, BARTD, EBMUD, etc., State Redevelopment Law also demands that redevelopment plans have generally predictable outcomes. The Law requires the redevelopment plan to make a commitment about the general amount and type of development that will occur.

Unfortunately the APIP provides almost no predictability. The APIP is quite candid that its goal is to capture tax revenues without committing to outcomes.

This Plan does not present a precise plan or establish specific projects for the redevelopment, rehabilitation, and revitalization of any area within the Project Area, nor does this Plan present specific proposals in an attempt to solve or alleviate the concerns and problems of the community relating to the Project Area. Instead, this Plan presents a process and a basic framework within which specific plans will be presented, specific projects will be established, and specific solutions will be proposed, and by which tools are provided to the CIC to fashion, develop, and proceed with such specific plans, projects, and solutions. [APIP Section 1]

C5-6

The APIP provides almost no information about the redevelopment program. For example,

State law requires the redevelopment plan "to show by diagram and in general terms":

- the approximate amount of open space and street layout [PR 33333(a)]
- Limitations on type, size, height, number, and proposed use of buildings [PR 33333(b)]
- The property to be devoted to public purposes and the nature of such purposes [PR 33333(d)]

The APIP

- provides a map (no scale) that indicates the Wildlife Refuge as open space, per the amended General Plan.
- Defines open space to include all "outdoor spaces not permitted to be covered by buildings", including streets.
- Does not quantify, even in very general terms, the amount of open space included in the plan
- Shows existing rather than planned streets
- No limits other than a reference to federal, state, and local requirements [APIP 416]
- No diagram provided.
- A list of proposed public improvements with no locations indicated for any but street improvements
- No diagram provided.

Ultimately, the APIP is a plan that allows everything – any type of land use in every part of the project area (except for the Refuge and East Housing) – but requires nothing. Zoning will not fill the void left by an empty redevelopment plan. Currently proposed changes to the MX District (the zoning intended to apply in the APIP) would remove almost all standards and requirements. The only limit (other than consistency with the amended General Plan) is the number of dwelling units (1,513). Even after the General Plan is amended to reflect civilian uses, it is questionable whether the text of the APIP provides enough program information to satisfy State Redevelopment Law.

It is also questionable whether an EIR on a contentless redevelopment plan would be meaningful. CEQA is both demanding and generous to redevelopment programs, which can last for three decades.

For all purposes of this division, all public and private activities and undertakings pursuant to, or in furtherance of, a redevelopment plan shall be deemed to be a single project. However, further environmental review of any public or private activity or undertaking pursuant to, or in furtherance of, a development plan shall be conducted if any of the events specified in Section 21166 have occurred. [Section 21090.]

C5-6

The purpose of this section is both to prevent piecemealing, and streamline review. The latter is only feasible if the redevelopment plan is firm enough to shape projects with light impact.

SOLUTION 6. The EIR must identify the APIP's lack of consistency with the General Plan as a land use impact. The obvious mitigation is to wait until the General Plan has been amended before certifying an EIR for the APIP.

The EIR also needs to compensate for the APIP's lack of program commitment by anticipating a wider range of impacts than the Reuse EIR considers. In the absence of redevelopment program and standards, the EIR has an obligation to inform the public and decisionmakers about worst case scenarios. Mitigations to prevent these scenarios from developing need to be incorporated into the APIP as amendments to the Plan.

PROBLEM 7. The APIP provides explicitly for substituting single-family housing for the multifamily housing currently at East Housing.

The area (known historically as "East Housing") shown on the Redevelopment Land Use Map (Attachment No. 3) for single-family residential use shall be used for the single-family residential uses consistent with the Amended General Plan.

This statement presumes to know the content of the Amended General Plan. Demolishing multifamily units that cannot be replaced because of Measure A is a controversial topic. There is no way to know the outcome of the General Plan amendment process.

C5-7

SOLUTION 7. Analyze the existing units at East Housing as an irreplaceable regional resource that Alameda could use to meet its affordable housing obligations under the Housing Element of the General Plan. In determining the contribution of units developed by the Housing Collaborative to the region's fair share, do not count rooms as dwelling units.

PROBLEM 8. The EIR does not mention the fiscal impacts of tax increment financing and its potential effects, given California's restrictions of revenue generation, on public services to the businesses and residents of Alameda Point, the City of Alameda, and of the region as a whole. The discussion of Public Service impacts glibly dismisses the revenue shortfall that will result over the 30 year life of the APIP by stating that this problem would be addressed during permit approval. The problem is aggravated by the careless or self-serving treatment of police service needs. The EIR states that 8 officers will provide sufficient coverage for all of Alameda Point—a little over 1 beat for an area 1/3 the size of the rest of the City. (It is a mystery why 4 cars would be needed.) The actual number of officers will need to be much higher based on both population, and, since much of Alameda Point will be non-residential, land area as well.

It is also necessary to consider animal control officers, to enforce rules on the City's side of the Refuge fence, and the whole range of City services ranging from public works to libraries, to administrative costs. While it may not be possible for Alameda Point businesses and residents to pay their full share during the life of the APIP, the public is surely entitled to know how much subsidy they will be providing and whether the public benefits of the project (which clearly do not include enhancement of the tax base for 2-3 generations) compensate for their reduction in City and regional services.

C5-8

SOLUTION 8. As a first step, the EIR needs to provide a more thoughtful analysis of the Alameda Point's demand for public services. Operating costs need to be distinguished from capital costs.

A comparison to the baseline level of services would provide a beginning point for the analysis. The baseline needs to be consistent with the rest of the EIR. To count population and traffic based on their 1990 levels, with a count of police and fire services in 1993 and 1994 when there were no residents and few businesses in operation is illogical at best. (See discussion of Baseline issues in the next section).

The EIR needs to calculate the *average* rather than the marginal cost of providing the full range of city services for the 30 year life of the APIP. The marginal costs of public services does not represent Alameda Point's fair share because they mask the service degradation that results from spreading existing services over a wider area.

The EIR needs to calculate the amount of revenue Alameda Point will contribute to cover its service costs over the 30-year life of the APIP. The deficit represents the fiscal impacts of the APIP. The degradation of public services caused by these fiscal problems are among the environmental impacts of the APIP.

In exploring mitigations, the City needs to focus on its Disposition and Development Agreement with master developers, including Catellus. (The City's piecemealing of the project makes this more difficult because the DDA is the subject of a separate analysis.) The City is very limited in its ability to recover costs during the permitting process, as proposed by the EIR for both legal and political reasons. Recovering costs through the DDA allows the burden to be capitalized in the land values, and avoids subsequent takings and other potentially unfair levies.

C5-8

PROBLEM 9. Despite the vague and noncommittal nature of the APIP, it mentions a broad array of possible projects it *may* pursue. The EIR has not addressed the impacts of these projects even at the most general level. The list of potential project include such public improvements as relocation or expansion of the ferry terminal, a new fire facility, and a marina in the Seaplane Lagoon (if the Navy pays for remediation). [APIP attachment 4]

The text of the APIP provides the redevelopment commission with the authority to demolish and move buildings and other structures [Sections 317 and 328], create, abandon, close or modify streets, virtually without limit.

C5-9

SOLUTION 9. The EIR needs to devise performance standards as mitigations to avoid impacts. These mitigations should be incorporated into the APIP as amendments. Alternatively, the EIR could clarify that these actions would be subject to subsequent environmental review.

LAMBRA

PROBLEM 10. With this EIR, Alameda intends to finalize its successful application to become a Local Agency Military Base Recovery Area (LAMBRA). However the EIR fails to describe or analyze the program which would have environmental impacts similar in character (but not magnitude) to the APIP.

The LAMBRA program provides very generous State subsidies to businesses locating on designated military bases. Although the nominal purpose of the program is to provide incentives for job creation, it is unlikely to bring in businesses that are any more labor intensive than they otherwise would be. The 8-year program considers one new job developed in a three year period sufficient to qualify for the subsidies.

C5-10

As part of the program, Alameda would provide local subsidies that would impact the General Fund (reduced revenues from Business License taxes, Improvement Tax, and Electricity fees).

SOLUTION 10. The EIR needs to include projections of the foregone revenues attributable to the LAMBRA in its analysis of the fiscal implications of the Project (revenues minus costs) and their impact on public services for Alameda residents and businesses. The EIR also needs to consider whether the incentives are likely to have any effect on business practices at Alameda Point over the next decade. For example, will discounted electricity rates encourage higher rates of energy use?

BASELINE

PROBLEM 11. Our concerns about the baselines used by the City in its environmental review of NAS-FISC reuse are spelled out in detail in the letter our attorney send to the Planning Department on August 10, 1998. We received a response from the City on November 16, 1998 that did not assuage our concerns.

The City has been using a mix of baselines that undermines the “before and after” analysis that is fundamental to CEQA. After reviewing this EIR, we are more concerned than ever about the distorting effects of mixing baselines. A clear example is the EIR’s use of 1993 for fire protection and emergency medical services, 1994 for police services, and 1997-98 for schools and recreation facilities. All of these baseline dates reflect conditions when the demand for services at NAS-FISC was light because operations were at a low level and there were no residents. Most of the remainder of the EIR analysis uses 1990, a year of peak activity, as the baseline. For a consistent and logical analysis of public services, the EIR needs a supply baseline and a demand baseline that reflect the same conditions. The EIR compares the public service levels of the Project at buildout to public service levels when the base was used by a small number of interim users to determine whether the Project will cause a degradation of public services. At the same time, the EIR compares traffic at buildout to traffic when NAS-FISC were in full operation. The result is a systematic undercount of public service impacts

The City uses baseline dates that conflict with statutory requirements of CEQA CEQA is explicit about permissible baselines, allowing only the date of the NOP for EIRs in general, and the additional date that the decision to close a date became final for EIRs on military bases.[CEQA Guidelines 15529] For this Reuse EIR, there are even more choices (see our comments on the 1999 NOP) since the decision to close NAS was made on October 1 1993, and the decision for FISC on the same day in 1995. There are also 1996 and 1999 NOP dates.

C5-11

The City has argued that it may overlook the statutory requirements because CEQA encourages coordination with the EIS. However there is no evidence or logic that CEQA permits agencies to ignore specific requirements to meet the general goal of coordination. A constraint on coordination is the City’s obligation to follow CEQA. It is noteworthy that the baseline requirements appear in the same Article 14 of CEQA as the encouragement to coordinate.

The City’s argument that it does not have to follow CEQA requirements is disingenuous. NEPA does not require the City to use a 1990 date or to mix baselines. The City was in a position to negotiate with the Navy over the baseline.

It appears that the City used the 1990 baseline date because they had traffic data that captures a higher level of activity than 1993, or subsequent years. The Community Reuse Plan indicates that the tubes were operating beyond capacity in 1990. The EIS points out that employment in the Alameda dropped significantly between 1990 and 1995.

The City has not explained why it could not convert its 1990 data to 1993, especially in light of the fact that the EIR had to convert City of Oakland 1994 traffic data into 1990 figures.

Alameda also argues that they did not need to follow the clear requirements set out in 15229a. In fact the City did not

- prepare and circulate baseline conditions to responsible agencies [15229a(1)]
- specify any baselines during the discuss at the public hearing (held by the Planning Director) 15229a(2)
- specify prior to the close of the public hearing which baseline conditions it would integrate into the EIR baseline conditions or meet any of the other requirement set forth in 15229a(3).

We have not opposed using a date that reflects an operating military base. We strongly oppose a shopping expedition to find dates that undercount environmental impacts.

C5-11

SOLUTION 11. Fixing the baseline problem would have been relatively easy if the City has taken seriously our concerns about this issue when we first raised them at the public hearing, or subsequently in our comments on the revised NOP. At his late date, the least burdensome solution would be to provide a short analysis for each impact of the differences between a legally appropriate date (such as October 1, 1993) and the date actually used. If the change in base date would make a significant difference, the analysis should be revised

SPECIFIC IMPACT AREAS

LAND USE

PROBLEM 12. We have previously discussed the major problem of APIP inconsistency with the existing General Plan. The City has not identified the inconsistency of land use planned in the General Plan and land use planned in the APIP as a potentially significant impact.

C5-12

SOLUTION 12. The City needs to wait until it has amended the General Plan before finalizing the APIP. This EIR may not be used to provide environmental clearance for the APIP.

PROBLEM 13. Reuse Plan land uses are inconsistent with Public Trust allowable uses. The EIR attempts to persuade us that finding trades for the inconsistent areas will not be a problem, but it is far from obvious from information presented that there is land with sufficient value at NAS to resolve this problem, given BCDC access requirements, FWS conditions, and restrictions on use resulting from risk based cleanup. Nor is it clear that the land use configuration of the Reuse Plan would be consistent with trades.

C5-13

SOLUTION 13 Identify potential land that could be traded into the Public Trust at NAS-FISC and other nearby sites in the City of Alameda and identify potential environmental impacts and mitigations. Include a nearby land fill that could become part of the East Bay Parks District network of shoreline parks.

POPULATION AND HOUSING

PROBLEM 14. Tables 4-4, 4-5, and 4-6 demonstrate clearly that the Reuse Plan will create enormous pressure on the Alameda housing market over the next twenty years. It will potentially cause the population living next to the project to be displaced. The EIR projects that implementation of the Reuse Plan would grow the number of Alameda households by almost 2,000. The growth in population is projected to be about 7,000 more than three times greater (317%) of population growth projected by ABAG for the City as a whole.

Tables 4-4 and 4-5 make it clear that the Reuse Plan will simultaneously be responsible for increasing the number of people working in Alameda by about 19,000, (about 84% of the 22,600 new jobs projected for the City, according to the EIS). However the Reuse Plan will only increase the number of housing units by about 2,400.

This gross imbalance between jobs and housing is very likely to displace Alameda's lower income and minority households. They are all the more vulnerable because they happen to live in the neighborhood immediately adjacent to NAS-FISC in Census Tract 4276 [3-40]. Indeed evidence already exists of evictions and immense rent increases in the adjacent neighborhood.

The EIS has not mentioned or analyzed the impacts of the Project on existing populations

SOLUTION 14. Analyze potentially significant population impacts of all alternatives on existing households residing in Census Tract 4276. Focus on potential displacement of lower income and minority households. Develop mitigations including for affordable housing, using the existing housing stock at NAS-FISC.

C5-14**TRAFFIC**

PROBLEM 15. The EIR limits transportation mitigations to relatively weak transit incentives on the basis of AB437. However, this bill only prevents public agencies from requiring employers to implement trip reduction programs. As the owner of the entire Alameda Point, the City/Redevelopment Agency have can take other strong measures to reduce trips directly. It is also possible to set up programs creating strong incentives for employers to hire Alameda residents that would not be trip reduction programs. AB437 does not "preclude a public agency from regulating indirect sources in any manner that is not specifically prohibited by this section, where otherwise authorized by law."

SOLUTION 15 Two examples illustrate strong mitigations that would be legal. The City could retain ownership of all off-street parking at Alameda Point and institute permit parking for on-street parking. Through its control over parking, the City could provide incentives for commuters to travel in non-peak hours, could subsidize employees who use transit with fees collected from those who drive, and could charge less for Alameda residents based on the support for City services they provide through their taxes (directly for homeowners, indirectly for renters).

Another program would give employers incentives to hire locally. As part of its property disposition agreements, the City could establish a fund to be supported by Alameda Point

C5-15

employers for training local residents for the new jobs that will be created. To the extent that businesses hire local residents, their obligation to support the fund would decrease.

The point we are trying to make is that there are still many options open to an agency that owns large tracts of developable land. Alameda's approach, simply to market transit will not substantially increase its use unless the buses run after 7:00p.m. and travel where people need to go. Appendix F indicates transit improvements the City favors. AC Transit will suffer a net loss because of Alameda Point redevelopment (loss of property tax support it would otherwise receive). The City of Alameda has to come up with creative approaches to funding transit.

C5-15

HAZARDOUS MATERIALS AND WASTE

General Comment. Compared with the Navy EIS treatment of impacts under this category, the EIR presents a much more detailed and greatly improved impact and mitigation analysis. However, there are still a few weaknesses in the Section 4.13 of the EIR, that we wish to address below. Since the impacts of the various reuse alternatives analyzed in Section 4.13 of the EIR were generally the same, these comments should be understood to cover all the reuse alternatives, even though they refer primarily to the preferred alternative.

PROBLEM 16. The EIR identified "no impacts" for radon. However, radon is ubiquitous in the residential environment, and even typical levels of indoor radon (i.e., levels lower than EPA's recommended 4 pCi/L for residential air) are associated with increased cancer risk. Therefore, it would be more accurate to describe this impact as finite, but not necessarily significant within the context of the current radon regulations. Additionally, it would be useful to indicate the average and high concentrations of radon measured in the 1993 FISC Annex radon study.

C5-16

SOLUTION 16. Treat radon as an impact and analyze its potential for significance at Alameda Point.

PROBLEM 17. The EIR provides a relatively detailed discussion of mitigations for the various possible impacts associated with hazardous materials and waste. However, some of the mitigations proposed in Section 4.13.1 are described as obligations of agencies other than the City. Additionally, some mitigations are vaguely worded and do not stipulate the agency which will have responsibility for implementation.

For example, proposed Mitigation #1 on page 4-199 states that the Navy will implement various land-use restrictions. This type of mitigation is not adequate since the City has no authority to oversee or enforce the supposed mitigation; neither has the City provided for any mechanism to do so.

C5-17

An example of vaguely defined responsibility occurs in Mitigation #2 on page 4-202, which states that the relevant impact could be mitigated, "by requiring developers to implement" various measures. However, the section does not state who will be responsible for insuring that developers follow the mitigation procedures.

SOLUTION 17 The EIR should devise mitigations (both in Section 4.13 and throughout the rest of the document) such that it is clear that the City has both the responsibility and authority to implement each mitigation. In cases where other agencies are expected to take action that could become part of a mitigation, (e.g., institutional controls under CERCLA) the City should devise methods to obtain independent oversight or implementation authority.

C5-17

PROBLEM 18. Mitigations proposed in this section (as well as throughout the document) use the non-committal terminology “would,” “should,” and “could,” when describing the responsibilities of various agencies. For example, Mitigation #3, page 4-204 states that, “For land subject to use restrictions, the City would implement a permitting program...”

C5-18

SOLUTION 18. When defining mitigation responsibilities, the EIR should use the terms “will,” and “shall,” in place of the less definite terminology

PROBLEM 19. Impact #3. Page 4-203 describes possible exposures to residual contamination remaining at Alameda Point after remedial action has been completed. The requirements of the CERCLA cleanup are discussed in this section, but two other important issues are missing. First, there is no discussion of residual levels of contamination remaining at UST sites after the completion of the UST program. Second, there is insufficient treatment of exposure to elevated ambient levels of chemicals present in the fill soils and groundwater at Alameda Point.

C5-19

SOLUTION 19. Include a discussion of the residual contamination due to the UST program, and due to elevated ambient contamination. In the case of ambient chemical exposures, devise appropriate mitigations. A separate mitigation is needed under the EIR for ambient exposures, since neither the CERCLA program, nor the UST program are required to protect against these.

PROBLEM 20. Mitigation #3 does not describe how the proposed set institutional controls will be monitored for continuing efficacy over time.

C5-20

SOLUTION 20 The proposed mitigation should include an inspection and review program for institutional controls.

PROBLEM 21. Mitigation #4, page 4-206, provides for control measures such as vapor barriers and venting for buildings on or near areas containing hazardous soil gases. However, no description is provided for the air sampling program that would be a part of such control measures.

C5-21

SOLUTION 21 Include an air sampling program as part of Mitigation #4.

PROBLEM 22. Regarding the EIR’s list of non-significant impacts: We disagree that human exposure to unidentified subsurface hazards during construction activities is an non-significant impact. The EIR states that the risks of unidentified hazards “cannot be quantified,” but are, “minimal because risk management measures would be implemented...”

C5-22

We suggest that, although these impacts may not be quantifiable, they are likely to be significant, even with standard risk management measures in place. This is because workers who uncover an unknown hazard will typically be exposed for a period of time before they recognize that they've come across the hazard. This would be especially true, if the hazard consisted of a previously unidentified area of contaminated soil or groundwater.

We would remind the City that the Navy generally investigates only those areas for which there has been some recorded evidence of chemical use or disposal. However, the Navy only began keeping records of chemical handling and disposal after the mid-1970s; and the interviews with former base employees, carried out during the Environmental Baseline Survey, relied upon the ability of these workers to recall all instances of chemical use into the distant past. Therefore it is likely that one or more parcels on the base, including those with pavements and large building foundations, may contain undiscovered contamination that had been placed there prior to the mid-1970s.

C5-22

SOLUTION 22. Consider the exposure of construction workers to unidentified subsurface hazards to be a significant impact, and propose appropriate mitigations for this impact. We suggest that the City should require developers and utility companies to carry out confirmation sampling prior to digging or removal of pavements or foundations in any area of the former base that the Navy has inadequately sampled.

PROBLEM 23. Each of the reuse alternatives will produce an increased long-term asbestos risk which is likely to be significant. In preparing the base property for transfer, the Navy plans to leave *currently* non-friable asbestos in existing buildings. Although the base properties will initially be transferred to several master developers, many of the buildings will ultimately be taken over by private citizens with no experience in asbestos assessment or abatement. This raises a concern that has not been addressed in the EIR: Once the properties are transferred from the master developer to individual owners, there is an increased likelihood that asbestos containing materials could be damaged and become friable. The probability of this increases as the buildings deteriorate with age, and especially if owners or renters should conduct non-professional, home-repairs.

The City assumes that existing regulations on the handling and disposal of asbestos (and, presumably, deed notifications) are sufficient institutional controls to protect against the release of asbestos into the environment. This may be a reasonable assumption for properties that are under the control of professional developers. However, this type of institutional control is unlikely to be 100 percent effective in the case of individuals and their families, many of whom may not be aware of the regulations or the potential risks of damaging intact asbestos surfaces.

C5-23

SOLUTION 23 The EIR should identify this future impact and devise appropriate mitigations. We suggest that an effective mitigation is to require the Navy to remove all asbestos in currently existing buildings prior to occupancy, especially in residential properties.

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Problem 24. We disagree with the finding of nonsignificant impacts related to lead-based paint hazards at existing non-residential buildings. The EIR reports that the lead-based paint programs at Alameda Point were developed to comply with applicable laws that address lead hazards. However, these programs do not require assessment or remediation of non-residential structures, and the Navy has not extensively surveyed these types of buildings. However, a limited sampling of paint in non-residential buildings on the base (discussed in Section 3.13.9 of the EIR) indicated lead concentrations which could cause significant risks to adults using the affected facilities.

C5-24

SOLUTION 24 This risk of exposure to potentially high levels of lead at non-residential buildings needs to be reevaluated before the EIR can safely make a finding of no significant impact.

PROBLEM 25. Each of the reuse alternatives will produce the following indirect impact: Strain on public services due to the expenditure of government resources for the future administration of institutional controls at Alameda Point. Under the current base cleanup and redevelopment plan, it is likely that several areas will be remediated to a cleanup standard requiring the monitoring and enforcement of various institutional controls. The additional costs to City, State, and Federal agencies in this instance produces a long-term impact to public services. The EIR needs to analyze this indirect impact and propose mitigations. We suggest that an effective mitigation would be to clean-up the base--as much as is possible--to residential standards, thus obviating the need for a large and expensive program of institutional controls.

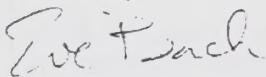
C5-25

SOLUTION 25 The EIR should analyze the future costs to city and state agencies, of establishing and maintaining an effective system of institutional controls, assuming that remedial action plans for a number of the IR sites will include the use of some sort of institutional control.

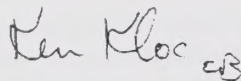
CONCLUSION

We are available to discuss our comments at your convenience.

Yours truly,



Eve Bach
Staff Economist/Planner



Ken Kloc
Staff Scientist

COMMENTOR C5

Eve Bach, Staff Economist/Planner and Ken Kloc, Staff Scientist, Arc Ecology. July 8, 1999.

- C5-1 Pursuant to CEQA Guidelines §15168, a Program EIR is an EIR which may be prepared on a series of actions that can be characterized as one large project and are related in certain ways. Program EIRs provide for more exhaustive consideration of alternatives than practical in Project EIR's, ensure consideration of cumulative impacts, avoid duplicative reconsideration of policy decisions, and allow consideration of broad policy alternatives and program-wide mitigation measures early on. Subsequent activities in the program must be examined in light of the Program EIR to determine whether additional environmental documentation must be prepared. In some cases, a new EIR for such later activities is required. If the later activity is a specific development project, a Project-Level EIR is prepared pursuant to CEQA Guidelines §15161. This EIR and the Navy's EIS for the Community Reuse Plan are *Program-level* documents. Catellus' development of the former Fleet Industrial Supply Center (FISC) and East Housing area is a later activity within the scope of the program addressed in this EIR. The City of Alameda has determined that the Catellus project will be the focus of a *Project-level* EIR. The Draft EIR for the Catellus project was published in December 1999. The MX text amendment applies city-wide and as explained in the CEQA Negative Declaration that accompanied it, generate no significant impacts in and of itself.

This EIR does not represent "piecemeal" analysis because the Reuse Plan, which is the subject of this Program EIR, considers development of the FISC Facility and East Housing area now under consideration for development by Catellus. The issue of how this Draft EIR may be used for future specific projects is clearly outlined under Section 1.4.3 ("CEQA Documentation") on page 1-19 of the Draft EIR. It is not necessary to change this EIR to a "Master EIR." Rather, it is a "Program EIR" as clearly explained on page 1-2 and 1-17 of the Draft EIR and as provided for by CEQA Guidelines §15168.

The comments on the NOP do not address the adequacy of the EIR. The NOP comments were considered in the scoping of the EIR and were incorporated or addressed, where appropriate.

- C5-2 All of the significant effects on the environment of the conveyance to the City by the Navy of NAS Alameda and FISC Alameda, regardless of the form of the conveyance, are analyzed in the Draft EIR. Thus, for example, where the conveyance and reuse project will require the extension of infrastructure or the creation of physical facilities to accommodate expanded public services, those impacts have been identified and analyzed in the Draft EIR. The terms of an Economic

Development Conveyance are the economic and fiscal terms of the conveyance, and do not involve different or additional environmental impacts than have already been analyzed in the EIR. Therefore, they are not required to be included in the EIR as they do not affect the environmental analysis. Furthermore, CEQA does not require an EIR to analyze social and economic changes resulting from a project unless they cause a physical change in the environment. CEQA Guidelines §§ 15064(e), 15131.

- C5-3 This comment does not specifically address the adequacy of the Draft EIR. Because development of the originally-proposed Reuse Plan would result in traffic levels that would exceed capacity of the existing Posey and Webster Tubes, the EIR addressed two potential mitigation measures (see pages 4-138 and 4-139 of the Draft EIR). One of these includes a new Estuary crossing; the other involves measures to reduce traffic generation. The second mitigation measure was identified because “a new crossing is not considered feasible because it is not planned at this time and would require the approval of other agencies in addition to the City of Alameda, such as Caltrans, the City of Oakland, the Port of Oakland, BCDC, and the US Army Corps of Engineers” (see page 4-138 of Draft EIR). The General Plan amendment will require a public hearing process with opportunity for public participation.
- C5-4 On page 2-7, first paragraph, first sentence, the Draft EIR states that “Because the Reuse Plan is written at a general level of detail, as stated in Section 2.1.2, this EIR assumes a certain configuration and intensity of land uses in order to quantify and analyze potential impacts. These assumptions are set forth in Tables 2-1 and 2-3 for the Reuse Plan Alternative, and Tables 2-4 through 2-6 for the other three reuse alternatives.” Floor area ratio generation factors are provided in Table 2-1, Land Use Account of the Community Reuse Plan and are generally 0.3 (i.e., allowable development on a given parcel would be equal to its gross acreage multiplied by 0.3). The Draft EIR acknowledges the acreage change for the proposed Wildlife Refuge in Footnote 1 to Table 2-1. Please see Response to Comment A2-1 and A2-2.
- C5-5 Comment noted. The General Plan amendments are a subsequent activity that is part of the program analyzed in this EIR and will be subject to additional CEQA review when they are proposed. Please see Response to Comment C5-1.
- C5-6 The project description provides an overview of the planning and infrastructure improvements that would be implemented as part of the APIP. The Project Description also references the special legislation which allows an agency to defer preparation of an EIR for up to 30 months on an adopted redevelopment plan for closing military bases.

Each APIP improvement will undergo further environmental review prior to implementation when project specifics have been developed.

The Draft EIR sets forth the differences between the APIP permissible land uses and the General Plan's pre-base closure land use designations.

As stated on page 4-5, first paragraph, sentence 6: "Under state law and the APIP Community Improvement Plan, no uses can be developed which are inconsistent with these General Plan designations unless the designations are changed through a formal amendment of the General Plan. It is anticipated that the General Plan will be amended to incorporate the uses contemplated by the reuse alternative that is ultimately approved by the City of Alameda. To the extent that such General Plan amendments would create additional significant physical impacts or increase the severity of impacts analyzed in this EIR, such General Plan amendments would be subject to separate and additional CEQA review." Policy conflicts are not considered to have a significant effect on the environment under CEQA unless the inconsistency would result in a physical impact. Potential physical impacts associated with the implementation of the APIP were considered as part of the Draft EIR and no direct physical significant impacts associated with the APIP were identified.

Refer to pages 4-3 and 4-4 regarding the need for future General Plan amendments following conveyance of Federal property to the City of Alameda.

Moreover, Section 33492.20(a)(2) of the Community Redevelopment Law (California Health and Safety Code) does not allow the expenditure of the tax increment funds until City Council makes a finding that the redevelopment plan is consistent with the amended General Plan.

- C5-7 This comment addresses the APIP rather than a specific shortcoming of the EIR. The area known as "East Housing" is shown as Medium Density Residential in the City's existing General Plan and proposed uses for this area addressed in the Reuse Plan would be consistent with this General Plan designation. Refer to pages 2-17 and 2-18 about the ultimate development possible for the "East Housing" area.
- C5-8 Refer to the Response to Comment C5-2 regarding CEQA requirements for the assessment of economic impacts. The last paragraph on page 4-38 addresses the timing of evaluation of funding mechanisms for increased police services. Refer to the Response to Comment B5-2 regarding the selection of baseline years and Response to Comment C5-1 regarding piecemealing.

- C5-9 It is not the purpose of an EIR to devise such performance standards as are suggested in this comment, or to propose amendments to a redevelopment plan. Mitigations are proposed to lessen or reduce significant impacts to the environment that would result from the proposed project. The EIR is clear as to the actions it analyzes. Please see Responses to Comments B5-3 and C5-1. Public improvement projects, such as those noted in the comment, will be the subject of future project-specific environmental review in conformance with CEQA Guidelines Section 15180.
- C5-10 Refer to Response to Comment C5-2 regarding CEQA requirements for the assessment of economic impacts.
- C5-11 See Response to Comment B5-2.
- C5-12 The relationship of the General Plan to the Alameda Point Improvement Plan is discussed on page 4-4 of the Draft EIR. Please see Response to Comment C5-6.
- C5-13 Refer to Response to Comment C4-2 regarding uses allowed in areas designated as public trust property.
- C5-14 Displacement of existing housing units and existing residents is identified as a significance criterion on page 4-29 of the EIR. As stated on page 4-32 of the Draft EIR, fourth paragraph: "The Reuse Plan Alternative [and by extension, all other alternatives], would not result in any displacement of current residents." As discussed in Response to Comment D2-1, the environmental justice issue of a potentially disproportionate effect on low income or minority households is not one that is addressed in this EIR because it is an economic and social impact not required to be analyzed under CEQA. As stated in paragraph five, last sentence, on page 4-32 of the Draft EIR: "..., the existence of the APIP and BWIP redevelopment plans assures that funds will be set aside for the provision of very low-, low- and moderate-income housing." Also see Response to Comment C11-3.
- C5-15 The Draft EIR includes a TSM program as one mitigation for impacts associated with traffic (page 4-136). The TSM program includes a number of elements including the development of parking management strategies for the site. Although the City/ARRA will own the property initially, the City expects to sell parcels for development and, therefore, the limitations imposed by AB 437 would apply as described in the Draft EIR. See Response to Comment C1-4.
- C5-16 Radon is discussed at pages 3-216 to 3-217 of the Draft EIR. Radon testing was performed at FISC Alameda in 1993, and no radon concentrations exceeding the EPA-recommended action level were

found. As explained in the Draft EIR, an evaluation of the regional geologic setting concluded that NAS Alameda is unlikely to be subject to radon hazards.

- C5-17 As current property owner, the Navy would be the appropriate party to implement these mitigation measures during the terms of the leases. With regard to Mitigation 2 on page 4-202, some or all of the measures listed, as necessary to avoid unacceptable human and ecological exposures, would be imposed by the City on project applicants as conditions of approval for specific development projects pursuant to requirements adopted in zoning and other land development ordinances. As required by CEQA, mitigation measures for specific development projects would be fully enforceable, and subject to mitigation monitoring and reporting pursuant to Public Resources Code section 21081.6. Mitigation 2 on page 4-202 of the Draft EIR is clarified as follows:

Page 4-202, *Mitigation 2*: “The potential for human and ecological exposure to residual contamination is a significant impact that could be mitigated by ~~requiring developers amending and/or adopting the City’s zoning and/or other land development ordinances to require developers to~~ implement some or all of the following measures as appropriate based on site conditions and the nature of the construction proposed:...”

Requirements related to State of California storm water construction permit and need to obtain BCDL, RWQCB and COE permits are governed by existing law and would be imposed by those agencies.

- C5-18 The mitigation measures set forth in the Draft EIR are recommendations for City consideration in mitigating the potentially significant effects of the project on the environment. If adopted by the City, they will be set forth in appropriate language in various implementing documents (including a Mitigation Monitoring and Reporting Program).
- C5-19 The human health and ecological impacts related to residual contamination of all types, including residual contamination at former UST sites, are analyzed in the discussion of Impacts 2, 3, and 4 on pages 4-201 through 4-206 of the Draft EIR.

The Commentor also states that the EIR should analyze the impacts of ambient chemicals in fill and groundwater. The health risk assessments already include the contribution of ambient levels of chemicals in both fill and groundwater in their risk estimates. Regulatory risk management decisions about what, if any, mitigation measures are

appropriate to lower these risks may consider whether the risks are primarily due to ambient levels of chemicals or additional amounts released through land use.

- C5-20 In general, any institutional control necessary to complete remediation would be subject to review for adequacy by an environmental regulatory agency (USEPA, DTSC, RWQCB). To the degree that institutional controls are accepted by the environmental regulatory agencies as CERCLA remedies, they would be subject to five-year reviews under CERCLA section 121(c). Any institutional controls necessary to maintain a containment remedy, such as a landfill cap, would require an operations and maintenance agreement, including periodic review. In many instances, institutional controls such as restrictive covenants enforced by DTSC would be combined with local permitting requirements, such as the City's proposed excavation ordinance regulating digging into the marsh crust/subtidal zone, which would have also enforcement mechanisms.
- C5-21 Mitigation 4 on page 4-206 of the Draft EIR does not include an air sampling program because the proposed vapor barriers and venting would adequately keep harmful vapors out of buildings. There is no known significant off-gassing problem at the site; however, any vapors that are emitted to open air would be dissipated. Unacceptable emissions from the landfills would require remedial measures such as capping and, possibly a landfill gas collection and removal system as part of landfill closure.
- C5-22 As discussed on pages 3-206 and 3-207 of the Draft EIR, all regulated USTs have been removed or abandoned. To date, over 30,000 feet of abandoned fuels lines and 120 USTs were removed or closed in place at NAS Alameda. Corrective Action Plans (CAPs) will be prepared for several areas with TPH contamination. These plans will evaluate the remedial alternatives and recommend remedial actions. The CAPs will be completed in 2000. One tank was discovered and removed during the fuel line removal activities of 1998. Furthermore, all significant construction projects will require preparation of a health and safety plan pursuant to OSHA requirements. While the risk of discovering additional USTs and fuel lines cannot be precisely quantified, the risk of finding additional facilities is minor and unlikely to occur. With regard to UXO, as discussed on pages 3-215 to 3-216 of the Draft EIR, investigation by the Navy, and removal of any additional UXO that is discovered, are underway. An RI/FS concerning UXO is being prepared.

The entire base has been the subject of an environmental baseline survey. Remedial investigations have been performed at numerous sites, and continue to be performed as the site is more completely

characterized. While there remains a possibility that additional contamination will be discovered during construction, the potential impacts related to this risk are discussed under Impact on page 4-206 of the Draft EIR. Please see Responses to Comments A4-3 and C13-11.

- C5-23 As discussed on pages 3-203 to 3-204 of the Draft EIR, asbestos is only considered a health risk when it becomes friable. Numerous existing laws apply to asbestos disclosure, management and removal in all types of buildings. These laws are specifically designed to protect human health for all types of exposures. To the extent that asbestos-containing material at the site becomes friable in the future, existing laws will apply to the disposition of those materials. As is the case in all other real estate transactions, new owners – be they professional developers or non-professionals – would be responsible for complying with applicable laws and regulations.
- C5-24 As stated on page 4-211 of the Draft EIR, occupational exposures to lead-based paint are regulated by existing law under OSHA. In DTSC's July 6, 1999 comment letter on this EIR, DTSC states that additional investigations related to lead-based paint have so far failed to identify a problem related to lead-based paint in soil from non-residential structures.

In June 1999, DTSC completed a reconnaissance survey of impacts to soil from lead-based paint on buildings not used for family housing in the "Civic Core" and "Main Street Neighborhoods" areas of NAS Alameda. These results, along with results obtained by the Navy for family housing, indicate that soil surrounding stucco-sided buildings is not significantly impacted by lead-based paint. DTSC has requested that the Navy conduct further evaluation of wood-sided buildings and steel structures in these areas to assess impacts from lead-based paint to the soil.

- C5-25 CEQA does not require an analysis of socio-economic impacts (CEQA Guidelines §§15064(e), 15131). However, to the extent that institutional controls would involve additional city permitting and inspection functions, these would be reimbursed by means of a fee structure imposed as part of any future ordinance or other permitting requirement.

Marina Village Homeowners Association

C/O Bicksler and Associates
2411 Old Crow Canyon Road
Suite 140
San Ramon, CA 94583
925.743.3090
FAX: 925.743.3095

RECEIVED

PLANNING DEPARTMENT
CITY OF ALAMEDA

May 28, 1999

Engineering Field Activity West
Naval Facilities Engineering Command
Attention: Mr. Jerry Hemstock (Code 7032JH)
900 Commodore Drive
San Bruno, CA 94066

Dear Mr. Hemstock
We send this letter
to NFECC. Having written
issues however, wanted this
to be the same comments
we would have sent to City of
Alameda. Thanks. Bob Mischak

Subject: MITCHELL MOSLEY AND TINKER AVENUE EXTENSIONS PROPOSED IN THE
DRAFT EIS FOR NAS ALAMEDA AND THE FISC, ALAMEDA

Gentlemen:

The Marina Village Homeowners Association is concerned about what impact the development of NAS and the FISC will have on the neighboring Marina Village community. We are particularly concerned about the proposed extension of Mitchell Mosley and Tinker Avenues as major arteries.

It is not clear in the EIS where the Mitchell Mosley and the Tinker Avenue Extensions connect. Both appear to tie into the Marina Village Parkway, though the evaluation states they connect to Constitution Way and Webster. What will be the impacts on Marina Village if either one or both of these two thoroughfares tie into Marina Village Parkway? Will Mitchell Mosley be a truck route into Marina Village Parkway?

C6-1

How much increase in traffic is projected for Marina Village Parkway? Will the street have to be widened? Will its parkway have to be removed? What will happen to the bike lanes? At present Independence Drive in Marina Village, which was designed as a residential street, is heavily traveled during morning and evening commute hours by through traffic. What measures are planned to prevent traffic on this residential street from increasing?

C6-2

Marina Village is an asset to the City of Alameda. Every effort should be made to prevent the quality of its environment from deteriorating as a result of the proposed base development.

Sincerely,

Robert M. Mischak, Jr.
President, Board of Directors

COMMENTOR C6

Robert M. Mischak, Jr., President, Board of Directors, Marina Village Homeowners Association. July 7, 1999.

- C6-1 The Mitchell/Mosely and Tinker Avenue extensions have been developed at a conceptual level only. At such time as the City moves forward with these street projects, the impacts to Marina Village will be assessed in the environmental documentation. At the moment it would be speculative to try and estimate such impacts. Mitchell-Mosely is presently not intended to be a truck route.
- C6-2 The traffic analysis indicates limited impacts on Marina Village Parkway. Please see Appendix F. No redesign of Marina Village Parkway is anticipated.

30 JUN 99
R. NEVELN
DRFTEIR:

Page 1 of 1

To: City of Alameda, Planning Department
Ms. Cynthia Eliason
2263 Santa Clara Ave. Rm 120
Alameda, CA 94501

From: Richard P. Neveln
P.O. Box 3650
Oakland, CA 94609-0650
(510) 448-1234 (Voice-mail/Pager)

Subj: REUSE OF NAS & FISC ALAMEDA - Draft EIR
"No Project" Alternative

RECEIVED
JUL 02 1999
PLANNING DEPARTMENT
CITY OF ALAMEDA

Dear Friends:

The across the board determination that there will be "no impacts" with a no project alternative is absurd.

One simple consideration is the increase in police services cost from keeping whole a very large vacant site.

The greater likelihood of incursions on the refuge needs to be something considered as an impact from doing nothing.

Doing nothing would in time create more waste from the increased need to demolish buildings degraded through age and lack of maintenance.

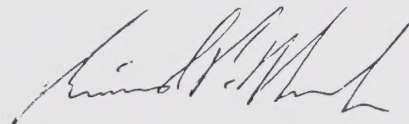
Doing nothing could in a similar way damage cultural resources.

Some cost is attached in keeping the buildings in a "lay away" status and in moderately good repair. This sealing and unsealing of buildings would generate again more waste.

In general, the "No Project Alternative" needs to be given some context. This is because doing little or nothing is what will be going on for some time to come, and the impacts of that action needs to be evaluated as to the impact on the whole of the conversion effort.

Thank you for your time and consideration.

Sincerely:



Richard P. Neveln

C7-1

30 JUN 99
R.NEVELN
DRFTEIR2

Page 1 of 2

To: City of Alameda, Planning Department
Ms. Cynthia Eliason
2263 Santa Clara Ave. Rm 120
Alameda, CA 94501

From: Richard F. Neveln
P.O. Box 3650
Oakland, CA 94609-0650
(510) 448-1234 (Voice-mail/Pager)

Subj: REUSE OF NAS & FISC ALAMEDA - Draft EIR
Cultural Resources - TOTAL LACK OF MENTION OF FISC

Dear Friends:

There needs to be some mention of Cultural Resources on the Alameda FISC site.

Besides other cultural resources there need to be mention of the two hangars on the FISC, Building 364 and Building 365.

The "historic resources inventory" form, filled out at the Navy's request, has many errors. One example is when the building was built on page 1 it is 1931, and elsewhere 1928 and 1930 are also dates mentioned.

There is no mention of the airfield activities that preceded the building of such a large set of structures on the site. This is part of the history associated with the site.

The "inventory considers both buildings at the same time and with the same evaluations working and mixing some of the considerations together for a larger negative than actually exists.

Conclusions based on this flawed inventory are also flawed, and should be not accepted.

Both buildings are common to the late 1920's industrial construction. These are two fairly rare examples still existing in the East Bay, and should be granted historic status.

The evaluation concludes that they lack the setting and associated things for an airport.

In the time this building was constructed an open field was often the "association" that made a lone hangar or two an airfield (not airport), as they were more associated with fields than runways.

C7-2

30 JUN 99
R.NEVELN
DRFTEIR2

Page 2 of 2

To: City of Alameda, Planning Department

The buildings were treated very differently. One cut in half and moved, the other remains as built.

These buildings ARE NOT REMNANTS of the buildings. The historic inventory calling the current structures as they exist "remnants of these structures" is CLEARLY an attempt to DISTORT the FACTS.

BOTH buildings are structurally intact, one in current habitable condition. Building 364. Building 365 is primarily missing window glass, and interior utilitarian structures, partitions, office spaces and such. It is NOT a REMNANT.

(A dictionary definition of "Remnant":

1. That which remains; specifically, the piece of cloth that remains, left over, after the last cutting.
2. A remaining trace or survival of anything, suggestive of the former condition, use, or belief.
3. A small piece or quantity.

a synonym given is "trace".)

C7-2

Clearly neither building is a "remnant".

Building 365 is described as "a single story steel frame" building. Perhaps the person is describing a different structure. This is what building 364 is in fact.

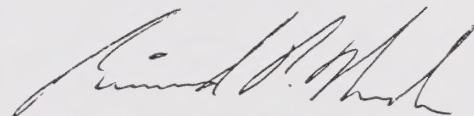
A building that is effectively as tall as a five story building, Building 365 needs to be re-evaluated for historic significance by a party not eager to "clear the site".

Alameda's historical context needs to be considered. These two buildings are the only remaining structures from the early days of aviation in the East Bay and Alameda.

There is no mention of the historical aspects of the airplanes on pylons at the two entrances to the former Naval Air Station. The historical linking of all the aviation in the area of the two near by sites needs to be explored in evaluation of the effects on these cultural resources.

Thank you for your time and consideration.

Sincerely:



Richard F. Neveln

COMMENTOR C7

Richard P. Nevelin. July 2, 1999 (2 letters)

- C7-1 The comment's implication that the No Project Alternative would result in some impacts is correct. However, the suggestion that the EIR makes the "across the board determination" that there will be no impacts associated with the No Project Alternative is inaccurate. The EIR calls out impacts associated with this alternative in the areas of visual resources, population and housing, public services, utilities, cultural resources, geology and soils, water resources, traffic and circulation, hazardous materials and waste, and air quality. With the exception of hazardous materials and waste related impacts, the Draft EIR concludes that impacts in these areas are nonsignificant.

Under this alternative, the property would remain in caretaker status under continued Federal ownership. It is not anticipated that the continued occupation of the property by the Navy would result in significant cultural resource impacts for lack of maintenance, as on-site activities under Navy occupation would include maintenance. Additionally, any future actions that affect a National Register-eligible resource would be reviewed under the requirements of NHPA §106, 16 U.S.C. §470f, and 16 U.S.C. §470h-2 (Draft EIR p. 4-68, fourth paragraph). On-site activities under this alternative would also include security, remediation activities, and other actions associated with caretaker status of properties available for disposal.

Monitoring and predator management, including retaining the electric fence around the tern colony, would also be continued under the No Project Alternative. The continuation of these activities, and the continued limitation of public access would reduce the likelihood of the "incursions on the refuge" to which the Commentor refers.

- C7-2 As stated on page 3-76, second paragraph, of the Draft EIR: "The report prepared by JRP concludes that no building or structure at the FISC Alameda Facility or Annex qualifies for listing in the NRHP (US Navy 1996b). As stated in Section 3.6.1, the SHPO concurred with this conclusion in July 1996." These buildings are also not listed on any State or local historical inventory.

04 JUL 99
R. NEVELN
DRFTEIR3

Page 1 of 1

To: City of Alameda, Planning Department
Ms. Cynthia Eliason
2263 Santa Clara Ave, Rm 120
Alameda, CA 94501

RECEIVED

JUL 07 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

From: Richard P. Neveln
P.O. Box 3650
Oakland, CA 94609-0650
(510) 448-1234 (Voice-mail/Fax)

Subj: REUSE OF NAS & FISC ALAMEDA - Draft EIR
TRAFFIC & CIRCULATION

Dear Friends:

"Expansion of AC Transit service" as a mitigation depends on design of the site to be "friendly" to the public transit vehicle. Specific bus "pull-outs" and other things like shelters from the winter weather make the site "friendly" to the passenger you want to attract away from the private, single occupant, automobile to reduce congestion.

Some of the transit planning guidelines need to be in the land use mitigation, for there to be the possibility to attract the riders and bus drivers to the route.

All of these things need money to be build. The users of the site, through lease or purchase, need to have substantial public transit funding tied to the site, as well as design constraints that favor public transit.

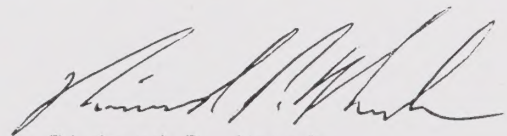
C8-1

Housing patterns have a dramatic effect on public transit. The greater the housing density, the greater the use of public transit.

Transit use by office businesses tends to be commute focused. New businesses usually result in people working later hours and on weekends. Transit that focused on a commuter shuttle, would likely fail, because the habit of transit use would be broken often by the lack of transit at "off peak" hours. The urban design needs to consider the number of housing units normally associated with supporting a bus line. This would give guidance in the discussion of land planning.

Thank you for your time and consideration.

Sincerely:


Richard P. Neveln

04 JUL 99
R.NEVELN
DRFTEIR4

Page 1 of 1

To: City of Alameda, Planning Department
Ms. Cynthia Eliason
2263 Santa Clara Ave, Rm 120
Alameda, CA 94501

RECEIVED

JUL 07 1999

From: Richard P. Neveln
P.O. Box 3650
Oakland, CA 94609-0650

1326 Park St Suite 200
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(510) 448-1234
PLANNING DEPARTMENT
CITY OF ALAMEDA

Subj: REUSE OF NAS & FISC ALAMEDA - Draft EIR
HOUSING - A MIX IN COMMUNITY PLAN

Dear Friends:

The Community Reuse Plan that was sent to the Navy contained several references to the "mix of housing types" and to have the housing serve "the community's need".

Affordable housing in the region and in Alameda is in very short supply. The apartment units in what is called "East Housing" represent the fourth leg of the housing types in the balanced Navy housing developed to serve the needs of the Navy.

This housing is a mirror of the community need because the Navy itself is a mirror on the community and the country. The Catellus Plan (so far) represents a divergence from the Community Reuse Plan in several respects.

First the The changing of the housing from apartments to (in their words) "suburban style single family homes" is an attempt to alter the basic environment of the area. This area was marginal for transit when full and in use. Changing it to a density of 1/4 the previous level would mean that business developers or the City would have to provide transit funding to be mitigation.

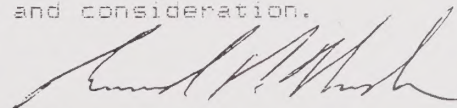
C8-2

Second. The likely residents of the large homes will not be the staff employees built on the others areas of the NAS and FISC. This means an increase in commuters adding congestion to the Webster and Posey tubes.

Third. The apartments in the East Housing could be linked to business employment in the area with some creative leasing of the business sites. This could be a direct way of finding mitigation to several problems with the same action.

Reuse of the East Housing would decrease the generation of solid waste from other housing considerations.

Thank you for your time and consideration.



Richard P. Neveln

COMMENTOR C8

Richard P. Nevelin (2 letters). July 7, 1999.

- C8-1 The comment is noted. Please see page 2-28 (first paragraph) of the Draft EIR for a description of Public Transit. Please see Response to Comment B2-14 regarding site design standards. Please see Response to Comment B5-57 regarding funding. Land use patterns and density are just two of many factors which affect transit use. The patterns proposed with the Community Reuse Plan are similar to other areas of the City which support effective transit use. Transit planning is also incorporated into Mitigation 2a on page 4-136 of the EIR.
- C8-2 The comment is noted. This comment addresses a specific development proposal, which is not the subject of this EIR. Please see Responses to Comments B3-2, B5-41, C5-14 and C11-3. Solid waste impacts of the proposed project are discussed on page 4-50.

July 6, 1999

City of Alameda
 Ms Cynthia Eliason
 Planning Department
 2263 Santa Clara Ave, Room 120
 Alameda, CA 94501

RECEIVED

JUL 06 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

Dear Ms Eliason:

Thank you for the opportunity to comment on the Draft EIR for the Reuse of NAS Alameda and FISC Alameda. I have been a resident of Alameda for over 15 years, and a member of Renewed Hope for about 15 weeks. I have written about a dozen EIRs, and have reviewed over 100 EIRs. I have the following comments on this Draft EIR.

1. Actions Addressed in the EIR: The cover letter for the Draft EIR, the 'Roadmap to Project Interrelationships' transmitted with the DEIR, and Section 1.4.2 "Intended Uses of the EIR" provide slightly different definitions of the uses of the EIR. All three state that the DEIR provides environmental clearance for several actions, including the City's acceptance of conveyance of the property, any amendments to the City General Plan, and the adoption of the Alameda Point Improvement Project (APIP). In addition, the cover letter states that the EIR will provide environmental clearance for the LAMBRA. The 'Roadmap to Project Interrelationships' has a 'bubble' below the NAS/FISC EIR for 'supplemental environmental review for NAS GPA', and a second 'bubble' at the right edge of the page "EIR for Citywide General Plan Update" (are these two 'bubbles' referring to the same environmental document?). Section 1.4.2 of the DEIR states that the EIR will be used to adopt any rezoning of the site, and "any other approvals needed to implement the Reuse Plan." The Final EIR should provide a single, comprehensive description of the actions it addresses, including a definition of all terms (is the APIP Plan the same as the APIP CIP? Is the CIP a land use plan or capital improvement program?) I am confused about which discretionary actions by the City will be based on this EIR.
2. Timing of the EIR: At the June 28 Public Hearing on the DEIR, city staff stated that the City Council had already acted on the General Plan, formed a Redevelopment Area encompassing the project site, and approved the APIP. However, as noted above, these are actions that are supposed to be based on the EIR. Any prior action on the 'project' addressed in the EIR needs to be fully disclosed and clearly defined, both to allow a clear understanding of the 'project' and to avoid the appearance that prior actions have predetermined the outcome of the City Council's decision.
 - a) The DEIR states that the Reuse Plan was accepted by the City Council in 1996 and amended in May 1997. What manner of environmental clearance was used for that action?

C9-1

C9-2

Ms. Cynthia Eliason
 July 6, 1999
 Page 2

- b) If the City Council has already endorsed one of the land use plan alternatives addressed in the EIR, hasn't it prejudiced itself?
 At this point, I am quite confused about what actions have already been taken versus what actions will be taken based on information in the EIR.
3. General Plan: The DEIR describes the existing General Plan and zoning ordinance for the project area (pages 3-11 and 3-12, and Figure 3-3), but does not define the specific amendments needed to it for the Reuse Plan. The DEIR does describe the APIP CIP as identifying permissible land uses, but those land uses designations are inconsistent with the existing General Plan's "Federal Facilities" designation.
- a) Section 3.1 of the EIR should describe the APIP CIP accepted by the City Council.
- b) Section 4.1 of the EIR should include figures showing the proposed General Plan Land Use Map for each of the 5 alternatives analyzed in the EIR.
- c) The EIR should clearly explain the relationship between the CIP and General Plan, including how the April 1, 1998 action to adopt the CIP complied with the requirement that Redevelopment Plans be consistent with adopted General Plan.
4. General Plan Amendment– FISC and East Housing: On page 4-5, the DEIR describes the land use designation in the CIP for East Housing as single family residential use. This appears to be inconsistent with the existing use of the property for multi-family residential. East Housing appears to be the only portion of the project area where the proposed land use designation is inconsistent with current uses; if that is true, the EIR should so state.
- a) If the EIR is to be used for the General plan amendment, it must describe all impacts associated with the amendment, including creating incompatibilities between the existing land use and the land use designation in the proposed General Plan.
- b) The discussion of changes in land use designation for this parcel is also inconsistent with the statement in the 'Roadmap to Project Interrelationships', which states that the EIR for FISC/East Housing will be used to revise the existing general plan and Zoning for that property. Given that the FISC/East Housing parcel is addressed in this EIR within the context of the overall reuse planning for NAS/FISC, it would seem that a separate action based on a separate EIR would violate CEQA's prohibition against segmenting an action.
5. Summary of Alternatives: The EIR examines 5 alternatives, and describes each in detail in Section 2, including a tabular summary of land uses (square feet of industrial, number of dwelling units, etc) for each alternative except "no action" (see tables 2-3 through 2-6). Those tables should be expanded to include number of jobs and number of residents for each alternative, using data in Appendix C, tables C-1 and C-2. The EIR should provide a summary table that compares the alternatives in the same tabular format, including the number of employees. The current comparison of alternatives in Table 2-1 does not use the same format as Tables 2-3 through 2-6, and therefore is confusing rather than illuminating.

C9-2

C9-3

C9-4

C9-5

Ms. Cynthia Eliason
 July 6, 1999
 Page 3

6. Socio-economic Assumptions: The assumptions on number of new jobs, number of new residents, and percent of new jobs that will be held by Alameda residents are crucial to the analyses of other impacts, including transportation and air quality. For reasons that are not explained, the EIR **assumes** that each reuse alternative will result in 628 new Alameda households made up of 'reuse employees' (see table C-2). The assumption of 628 households causes the percent of reuse employees living in Alameda to range from 3% under the Reuse Plan Alternative to 9% under the Residential Alternative. The Final EIR should use a constant percent rather than a constant number. C9-6

7. Housing and Employment: The assumed rate of reuse employees living in Alameda should be based on the rate that occurs at the Marina Development, bounded by Constitution Way, Buena Vista, and the Estuary, or by the Harbor Bay Island development. Both are recent developments that generate R&D/industrial jobs similar to the reuse alternatives, are mixed use (residential and employment-generating) developments, and the Marina is in the immediate vicinity of NAS/FISC. In addition, the Final EIR should analyze the level of housing cost that would be affordable to reuse employees, and compare that to the cost of existing housing in the ROI and cost of new housing developed on NAS/FISC. C9-7

8. Impacts on Adjacent Neighborhoods: The EIR's evaluation of potential impacts on the neighborhoods immediately adjacent to NAS/FISC does not include an analysis of induced land use effects, such as accelerated gentrification of the low and moderate income housing stock. The City is certainly aware of the proposal to eliminate the existing multifamily units referred to as East Housing, and replace them with market rate, single-family units in the \$350,000 - \$500,000 range. This specific development proposal, and the general increase in use of NAS/FISC under the reuse versus No Action alternatives, has the potential to accelerate the displacement of the low income and minority residents. The EIR needs to address this effect, and should analyze the following: C9-8
 - a) Displacement of low and moderate-income families living near NAS/FISC, comparing No Action to the other alternatives, and if possible, differentiating the effect of the 4 'build' alternatives.
 - b) Mitigation of the displacement effect by training West End low income residents for the new jobs created by reuse, and using all available means to target new job opportunities to the local community.
 - c) Mitigation of the effects of displacement and increased rents (i.e., 'gentrification') through a City of Alameda rent control ordinance.
 - d) Finally, the Final EIR should include maintaining East Housing in multi-family residential use to provide a buffer between the high cost housing proposed on FISC and the affordable residential areas south of Atlantic Ave.

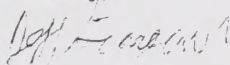
9. Trip Generation: The EIR states it uses trip generation rates developed by the Institute of Traffic Engineers and SanDAG, but ITE provides a range, not a specific rate. A table that defines the trip generation rate used for each type of land use should be provided in the EIR. C9-9

Ms. Cynthia Eliason
 July 6, 1999
 Page 4

- | | |
|---|-------|
| <p>10. <u>Trip Distribution</u>: The EIR appears to assume that trip patterns resulting from the reuse of NAS/FISC will be the same as Navy use, and uses that pattern for all 5 alternatives in the EIR. A better assumption would be to disaggregate trips into residential, employment-generating, and 'other' uses, and assume that trip distribution for those land use categories under reuse would match trip distribution for the same categories at recent, similar developments in the ROI (Marina and Harbor Bay Island).</p> | C9-10 |
| <p>11. <u>Traffic Mitigation</u>: Traffic congestion on the Webster/Posey Tube was treated as a constraint, and a new land use alternative that would fit within that constraint was presented in Table 4-12. First, this alternative, or a similarly constrained land use plan should be developed and analyzed throughout the EIR as the "Carrying Capacity" alternative. The carrying capacity analysis should be redone, based on the revised trip generation and trip distribution analyses addressed above. Second, a new mitigation measure should be developed that uses targeting of employment opportunities for existing and new Alameda residents as a means of increasing land use density without exceeding the carrying capacity of the Webster/Posey Tubes.</p> | C9-11 |
| <p>12. <u>Transportation Mitigation</u>: The transportation analysis indicates significant adverse impacts at seven local intersections and on SR 260, and proposes a variety of mitigation measures to reduce those impacts. The mitigation measures range from a new bridge or tunnel over the Estuary, which would cost about \$200 million, to intersection widening and channelization. Given constrained funding, most of these measures seem infeasible. Mitigation measures that do not have a secure source of funding should not be included in the Final EIR.</p> | C9-12 |
| <p>13. <u>Cost-Revenue Analysis</u>: Reuse of NAS and FISC will require a massive investment for both infrastructure and ongoing public services. In order to allow the concerned public to understand the implications of the various reuse alternatives on the city's financial health, the Final EIR should include a section of costs and revenues associated with each reuse alternative.</p> | C9-13 |

Thank you for the opportunity to comment on the Draft EIR. Please send me a copy of the Final EIR. If you'd like to discuss my comments, please contact me at 865-2073.

Cordially,


 Jeff Georgevich

COMMENTOR C9

Jeff Georgevich. July 6, 1999.

- C9-1 The Citywide General Plan Update will require separate environmental review. Page 1-2 of the Draft EIR, last paragraph, clearly describes all elements of the project that are addressed in this EIR.

A full list of the EIR's acronyms is provided on pages x through xv of the Draft EIR. The following acronym should be added to page xi of the Draft EIR:

Page xi: "CIP Community Improvement Plan"

The APIP is described on page 1-17 of the Draft EIR. The APIP Plan is a Community Improvement Plan or CIP. The requirements for a CIP, or Redevelopment Plan, are set forth in Section 33333 of the Community Redevelopment Law which includes a diagram and general terms, financing mechanisms and time limitations. As stated on page 1-17 (Paragraphs 3 and 4) of the Draft EIR: "The CIP was adopted to mitigate the serious economic effects resulting from base closure and because the project area could not currently be used due to substandard infrastructure and buildings which do not meet state building standards. Because of the long-term nature of the plan and the need for flexibility, the CIP does not offer a precise plan nor establish specific projects. Instead, the plan presents a process and a basic framework within which specific projects can later be presented."

- C9-2 City staff at the June 28, 1999 Public Hearing explained to the Planning Board that the *process* for amending the General Plan had been approved by the City Council, not the General Plan amendment/update itself. The status of the APIP is described on page 1-17, which states "Environmental review of the APIP CIP was the subject of special legislation which allows an agency to defer preparation of an EIR for up to 30 months on an adopted redevelopment plan for closing military bases." The acceptance of the Reuse Plan by the City Council is statutorily exempt under CEQA Section 15262 Feasibility and Planning Studies. See also City of Vernon v. Board of Harbor Comrs., 63 Cal.App.4th 677,689 (1998) (local agency is not required to undertake environmental review until after federal approval of a Reuse Plan). The acceptance of the Reuse Plan is not the same as adoption of the Reuse Plan, which is accomplished by amendment to the City's General Plan. A General Plan amendment is subject to environmental review and this EIR is intended to serve as the environmental documentation for that action. As explained on page 4-4, third paragraph, second sentence "...the Reuse Plan forms the basis for the Reuse Plan Alternative, which is the project analyzed in the Preferred Alternative for the purposes of this EIR."

C9-3 The land use designations, Attachment 3 of the APIP CIP, are consistent with the General Plan. The APIP designates areas as Open Space or Mixed Use or Single Family Residential. The General Plan recognizes these areas as Federal Facility or Medium Density Residential. The General Plan's designation of Federal Facility was intended to be a "holding zone" that recognized the Navy's ownership and their jurisdiction over the property, rather than specify specific allowable uses. The Navy had engaged in a wide array of uses, residential, commercial, industrial, open space, recreational, etc., which are the same array of uses contemplated by the APIP Mixed Use designation. Furthermore, the Federal Government, at present, still owns the property and will continue to hold title in perpetuity to the area designated Open Space Preserve, and it will continue to hold title to significant portions of the balance of the property until it is cleaned up and conveyed, on a phased basis, to the City. For these reasons the APIP CIP is consistent with the General Plan.

Figures 2-4, 2-5, 2-6, and 2-7 are land use maps at a General Plan level of detail for each of the reuse alternatives. The No Project alternative would not change the present General Plan designations. Please see Response to Comment C9-1 regarding a description of the APIP.

C9-4 By comparing Figure 2-4 (Reuse Plan Alternative) with Figure 3-1 (Land Use), one can see that many of the proposed land uses would not be consistent with existing General Plan land uses. Potential incompatibilities of land uses for all alternatives are discussed under Impact 2 on page 4-7 and Impact 2 on page 4-12 of the Draft EIR.

It is important to distinguish between "segmenting" an action (also referred to as "piecemealing") and preparing a program-level EIR and subsequently a project-level EIR. As a program EIR, this Draft EIR assesses a variety of projects that are identified within the Reuse Plan Alternative and other alternatives. Section 15165 of CEQA addresses multiple and phased projects and states: "Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the lead agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the lead agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect."

The FISC Facility/East Housing area project is being analyzed in a separate project-level EIR which includes more detailed information than available for this EIR. The overall development of the FISC property is also addressed in this Program EIR. Thus, no “segmenting” or “piecemealing” (as used by the Commentor) has occurred.

C9-5 The population associated with each alternative is clearly shown in Table 4-6 on page 4-31 of the Draft EIR, in the section of Chapter 4 entitled “Population and Housing”. On pages 4-34 and 4-35, the reader is directed to Table C-1 in Appendix C which identifies the estimated job generation associated with the alternatives. Table 2-1 is intended to convey entirely different information than Tables 2-3 through 2-6. Table 2-1, entitled “NAS Alameda/FISC Alameda – Comparison of Community Reuse Alternatives” is provided as an overview of the differences among the alternatives in terms of proposed land uses, and acreages for each land use within the six planning areas. Tables 2-3 through 2-6 describe each alternative separately in terms of acreages by land use, square footages of development, numbers of dwelling units, and other detailed information which was the basis of the EIR analyses.

C9-6 The cited information provided in Table C-2 of the Draft EIR represents residual data from the original City/Navy joint CEQA/NEPA document. (As noted on the cover page and on page ES-1 of the Draft EIR, the federal lead agency, the U.S. Navy, and the City of Alameda agreed in March 1999 to separate the federal and State environmental review processes. The results of that separation were two independent environmental analyses: the U.S. Navy’s EIS and the City of Alameda’s EIR.) The joint EIR/EIS would have been required under NEPA to examine socioeconomic impacts of the proposed project. The EIR does not include socioeconomic analysis of the type required under NEPA and for which the cited data were created.

More importantly, the cited data were not used as the basis of any traffic, air quality, noise or other environmental analyses presented in the Draft EIR.

It is worthwhile to note that a 1996 survey of employers in the City of Alameda conducted by the City’s Public Works Department showed that 28 percent of employees in Alameda also live in Alameda.

C9-7 The percentage of NADEP civilian employees residing in specific locations was considered an appropriate assumption for this Draft EIR because the data involved the project location. The level of housing costs that would be affordable to reuse employees was not necessary to evaluate in the EIR. See Response to Comment C5-25 regarding CEQA’s requirements regarding social and economic impacts.

- C9-8 See Responses to Comments C11-3 and C11-13 for a review of the significance criteria applied to potential population and housing impacts as well as a discussion of the breadth and depth of the analysis in this EIR.

It is unclear from the comment how a job training or “hire locally” program would mitigate for increased rents or housing values.

Evaluating the usefulness of a City of Alameda Rent Control Ordinance is beyond the scope of this EIR, primarily because the potential gentrification impacts cannot be determined at this time, and the associated need for this type of mitigation measure also cannot be determined. In addition, while a rent control ordinance may reduce the impacts of increased rents, such an ordinance could have its own impacts such as those that have occurred in other communities with similar ordinances. For example, the overall pool of rental units could be reduced if homeowners do not wish to rent their units or to be subject to the requirements of such an ordinance.

Maintenance of East Housing as a multi-family development was not considered necessary to protect the residential areas south of Atlantic Avenue because no land use incompatibilities of a significant nature would occur.

- C9-9 Please refer to Response to Comment B1-1.
- C9-10 Please refer to Response to Comment B1-2. The Countywide Model disaggregates trips by use.
- C9-11 The development scenario presented in Table 4-12 on page 4-140 of the Draft EIR is illustrative only and is only provided to demonstrate the feasibility of Traffic and Circulation Mitigation 3b. Mitigation 3b is proposed in order to mitigate to a nonsignificant level the impact of the Reuse Plan alternatives on PM peak hour traffic volumes through the Webster/Posey Tubes (SR 260). The Illustrative Development Scenario presents a hypothetical land use configuration that is both feasible and would not create a significant impact on the PM peak hour traffic volumes in the Tubes.

As stated on page 4-139 of the Draft EIR, the scenario presented in Table 4-12 would allow development of most areas of NAS Alameda/FISC Alameda consistent with the Reuse Plan Alternative. This scenario is considered to be conservative as it does not take into account possible changes in trip generation rates caused by increased car pooling, bicycling and walking which would reduce vehicle trips; changing commute patterns; increased ferry service to Alameda; improvements in the Tubes that would increase their capacity; or other

future developments that could change the traffic volumes predicted to travel through the Tubes.

Table 4-12 is not an alternative, and has not been analyzed as such in the Draft EIR, although, traffic and air quality modeling was completed for this scenario to test its effectiveness as a mitigation measure (See Table F-17 in the revised Appendix F included in Chapter 4 of this document for the results of the traffic modeling and see Response to Comment B5-27 for a discussion of the air quality analysis.)

See Response to Comment C1-4 regarding targeting of employment opportunities for existing and new Alameda residents.

C9-12 Please see Response to Comment B1-5.

C9-13 Refer to the Response to Comment C5-25 regarding why a detailed cost/benefit analysis is not necessary as part of the EIR.

From: <TDaysog@aol.com>
To: <celiason@ci.alameda.ca.us>
Date: 7/6/99 4:21pm
Subject: Comments: Alameda Point EIR

July 6, 1999

Cynthia Eliason
Alameda Point EIR Review Staff
Planning Department
City of Alameda
Alameda, CA

Dear Ms. Eliason,

I am forwarding this comment as an individual concerned about one aspect of the Alameda Point EIR that you are collecting comments for. I am deeply concerned about the planned recreational vehicle (RV) park, which will be located next to Encinal High School and to residential areas.

I believe that all concerned ought to give heavy thought to the proposed RV park, particularly looking to issues of whether the park is consistent with recent decisions made by the Planning Commission regarding the way in which auto-related uses (such as the proposed container facility) affect the adjoining residential areas. In its decision regarding the proposed container facility, the Planning Commission, I believe, established a precedent for that specific area of Alameda Point called the "Inner Harbor," in terms of ensuring that community and neighborhood sentiments prevail when it comes to appropriate and inappropriate land uses. To underscore this point, the City of Alameda issued via US mail in late June, 1999 and early July, 1999 a yellow notice indicating the proposed establishment of a committee consisting of residents who live in areas adjoining the Inner Harbor area, to involve them in the decision-making process over land-use (among other things) in that area.

I am convinced that residential sentiments regarding the proposed RV park at whatever acreage remains strong, and ought to be seriously considered when weighing decisions regarding the appropriateness of the RV park. While some may say that an RV park existed prior to the closure of the NAS Alameda, community sentiment, as I understand, is colored by the fact that 1) the proposed RV park will cover an area that is far greater than the original park; 2) will in essence be a parking lot for recreational vehicles with what some may call limited design amenities that play on the rustic nature of RV parks in more rural areas or even on the original NAS RV park itself, which, to its credit, consisted of gravel paths leading up to semi-enclosed berths surrounded by foliage; and 3) will include a volume of vehicles the number of which is not precisely known, although it is somewhere between 125 to 255 RVs.

If the argument holds that the Inner Harbor is not an appropriate place for container facilities due

C10-1

to issues of landscaping, design, visual aesthetics, noise, volume of traffic movement at odd hours, and that residents have as recognized by the City a prior claim in ensuring uses that are consistent with what are the prevailing neighbors' sentiments for the Inner Harbor area, then I think the both of those sets of arguments hold as elements by which all concerned ought to judge the appropriateness or inappropriateness of the proposed RV park at whatever acreage for the Inner Harbor area of Alameda Point.

C10-1

Thank you your time.

Tony Daysog

COMMENTOR C10

Tony Daysog. July 6, 1999

- C10-1 This comment addresses the RV park as an element of the proposed project and not in terms of its analysis in the EIR. However, it should be noted that the EIR (see pages 4-7, 4-12, 4-17, and 4-25) addresses several potential environmental impacts associated with the RV park and includes recommended mitigation measures.

July 5, 1999

RECEIVED

JUL 06 1999

To:

From:

Planning Board and Staff
City of Alameda
Santa Clara Avenue
Alameda, CA

Mark Irons
835 oak Street
Alameda, CA

PLANNING DEPARTMENT
CITY OF ALAMEDA

To whom it concerns:

I am writing to comment on the Draft EIR/EIS for Naval Air Station Alameda, a.k.a. Alameda Point.

The Navy EIS was so daunting that I resorted to taking a single sample of information from the Transportation and Circulation section to test my comprehension of the material. My reading of the table on traffic flow through the tube at a given interval was (approximately), 1. Current load- 2500 trips, 2. Maximum capacity- 3400 trips, 3. Reuse Plan projection- 10,000 trips. I couldn't fathom that the projected impact of the Reuse Plan would actually quadruple the current load, and nearly triple the capacity of the tubes. But, after hearing many speakers at the June 28 Planning Board hearing, I am confident that I did understand the EIS and that many unresolved issues exist which are not adequately addressed by the EIS/EIR, including mitigation of traffic.

C11-1

The issue of affordable housing is also extremely important. A certain segment of speakers to this issue advocated the preservation of East Housing as multiple units and affordable stock, solely on the basis of what they consider to be social justice issues. I personally agree that certain moral imperatives do exist. I have reviewed East Bay Asian Local Development Corporation's (EBALDC) proposal for East Housing and I'm very favorably impressed, but I have serious concerns with issues such as financing the upgrade of basic infrastructure at the Point which their plan does not address. I've previously voiced these concerns to EBALDC and was told that they could only generate comparative figures on the cost of rehabilitating East Housing, but that detailed information on infrastructure is not readily available from the City. I believe staff should make all relevant information related to redevelopment of the FISC available to groups like EBALDC.

C11-2

The addition of East Housing to the FISC plan after the developer selection process was complete, was an end run around groups like EBALDC. If you will recall, the Martin Group who was passed over for Catellus, had specific plans for trying to work with non-profits on the housing portion.

Prior to attending the Planning Board meeting on June 28th, I had attended the Economic Development Commission meeting where the Economic Development Strategic Plan was discussed,

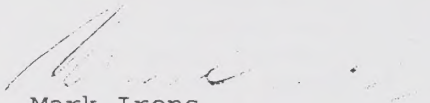
C11-3

specifically with regard to a "visioning" process for Park Street. The issue of our changing demographics arose at this meeting also, specifically with regard to the displacement of long time Alamedan's with middle incomes as greater numbers of upper income people buy into the island. One person described the dynamic as "class war". Councilman Daysog referred to such a characterization as "invidious", but I think that unfortunately it is accurate.

C11-3

However one describes the situation, I think that the citizenry needs to be better educated and more involved in deciding the fate of the Point and the City at large. To achieve this, we need to get off our asses, but our civic leaders and appointed boards should lead us in the process. Open, equitable and thorough discussion are the only means to resolving the divisions that may otherwise cause this town to tear itself apart or take us irreversible down a wrong path.

Sincerely,



Mark Irons

Foot notes:

1. Prior to the June 28 Planning Board meeting I had spent less than an hour with the full (two volume) Navy document in the main library. It was not until the 28th that I was aware of the existence of the 82 page version from the City which was made available at council chambers that evening.

The City's document was not offered to me at the library. It would be helpful for city staff to work closely with the library staff to insure easy access to appropriate documents in a timely manner. The library handles a huge accumulation of documentation related to base conversion, which in the temporary library at the historic Alameda Highschool is stored on the floor below the reference section where requests for documents are made.

2. The Park Street Business Association owns copies for loan, of a video entitled "Back From the Brink", which shows successful case studies of other cities where revitalization was accomplished with emphasis on public transit and equity in housing. It is highly recommended viewing.

COMMENTOR C11

Mark Irons. July 6, 1999.

- C11-1 The Reuse Plan Alternative would result in 10,300 AM and 10,956 PM peak hour trips. Only 48 percent and 46 percent of the AM and PM peak hour trips use the tubes. Each tube's maximum capacity is 3,400 trips. The maximum added traffic volumes associated with this alternative would be 3,579 AM inbound and 3,590 PM outbound. This increase does not represent a quadrupling of the current load but does represent a 140 percent increase. Mitigation 3b, a traffic cap, would reduce this alternative's impacts on the Tubes to a less-than-significant level.
- C11-2 Comment acknowledged. This comment addresses preserving housing units located at the East Housing area rather than a specific EIR issue.
- C11-3 The potential displacement of middle-income Alamedans by new residents of higher income levels is an issue that has a variety of causes, some *local* and at least partly subject to the influence of public policy choices of Alameda decision makers, and others *regional* and beyond the control of any one city. The Draft EIR addresses the aspects of this issue that are considered germane to environmental review of the proposed project in Chapter 3.3 (Setting) and 4.3 (Impacts and Mitigation Measures). In the population and housing impact analysis of the Reuse Plan Alternative on pages 4-28 through 4-33, the EIR emphasizes that many of these effects are perceived either positively or negatively, depending on the values and point of view of the person considering the effects.

The City of Alameda has established two criteria for determining whether Population and Housing impacts of the proposed project would be significant under CEQA. They are as follows: (1) displacement of substantial numbers of existing housing units, necessitating the construction of replacement housing; or (2) displacement of substantial numbers of existing residents, necessitating the construction of replacement housing. Under these criteria – which are consistent with the *CEQA Guidelines* – in order for the project to have a significant impact, it must both cause the physical displacement (of either existing housing units or existing residents) and that displacement must occur in the form of substantial numbers. Neither of these criteria are broad enough to include as a significant adverse impact the ongoing and region wide increases in rental and owner-occupied housing prices. What these two criteria focus on are direct displacement due to demolition of units or direct relocation of residents due to land use changes.

The more widespread gentrification of communities within the inner San Francisco Bay Area, where redevelopment of older military and industrial sites is being encouraged, is due to regional demographic changes and real estate economics that the City of Alameda has little control over and cannot escape. Alameda residents who value the continued maintenance of housing that is affordable to all income levels within the community can present those arguments on the merits of such large-scale planning efforts as the Reuse Plan as those plans proceed through the approval process. They cannot, however, rely on the environmental review process to ensure an outcome favorable to that point of view.

June 28, 1999

Alameda City Council
2263 Santa Clara Ave
Alameda CA 94501

RECEIVED

JUL 06 1999

PLANNING DEPARTMENT
CITY OF ALAMEDA

Dear friends:

I am writing this letter because I am unable to attend tonight's public hearing on East Housing development plans. However, I want to urge you very strongly to support retaining the former Navy housing units and rehabilitating them for workforce housing.

There is no question that housing that most people can afford is getting more and more expensive. The city of Alameda should do all it can to provide housing for its citizens who have lived and worked here for years. These are people who have a commitment to living here. They will raise their children here, be involved civically and give back to Alameda. That commitment is what gives a community livability not merely a large tax base. In fact, it's often the case, the more wealthy and exclusive a community becomes, the less connection its citizens feel for one another or the place.

The Catellus proposal appears to have all the hallmarks of a expensively planned, typical suburban development better suited to a town with less history, richness and variety than Alameda, a place where people are happy to trim their lawns, go to their highly paid and stressful jobs and then move on when the next big job opportunity comes along. Commitment to a lifestyle is often more what they favor than commitment to a town, or a place. That is not what we have in Alameda nor what we want. To be a healthy and vibrant community in the future, Alameda must continue to be a place where people of all income levels can live. If it goes in the direction of become an exclusive, elitist place, it will suffer the loss of its rich and quirky small town character that draws people here in the first place.

C12-1

And that loss, I respectfully submit, is something no enhanced tax base, or whatever euphemism you care to use to describe it, can ever, ever replace.

Those units at East Housing can be rehabilitated creatively and inexpensively and the nonprofit group that wishes to do it should be given every opportunity to enter the discussion and the process.

This whole project gives many people a sense that it is a fait accompli which is not a very good sign. As members of the city council, it is your duty as representatives of the citizens to show leadership not to be mere rubber stamps of a proposal that looks great on paper.

Again, I urge you to take a step back and open this process up because it is an issue that is vital to the future social health of this wonderful town.

Thank you.

Laura R. Thomas

Laura R. Thomas
2000 Buena Vista Avenue

COMMENTOR C12

Laura Thomas. July 6, 1999.

C12-1 Comment acknowledged. This comment addresses the Catellus Mixed Use Development Project rather than the Draft EIR.

23 June 1999

City of Alameda
 Planning Department
 2263 Santa Clara Ave., Room 120
 Alameda, CA. 94501

RECEIVED

JUN 25 1999

PLANNING DEPARTMENT
 CITY OF ALAMEDA

Attn: Ms. Cynthia Eliason

Subj: Draft Environmental Impact Report (EIR) for the Reuse of Naval Air Station Alameda/Fleet and Industrial Supply Center Alameda Annex and Facility Alameda, CA.

It was quite a job to compile and publish this Draft Environmental Impact Report (EIR). A lot of work was involved. It took me many days to go through the two volumes of data.

My comments, questions, and recommendations are as follows:

This EIR seems to be written so that most significant impacts are mitigable. However, whether these impacts are actually mitigable remains to be seen as the project develops.

Figure 2-3 - Page 2-11. Buildings to be demolished under the Reuse Alternative.

Question: Does the City or Navy pay to demolish these NAS Alameda buildings? Does the City have the funds to do this? (There are over 20 buildings to be demolished)

Comment: I assume Catellus would pay for demolition of FISC/East Housing.

C13-1

Geology & Soils - Earthquake liquefaction and seismic settlement are significant hazards to structures.

Recommend: Build combination housing and business park in **Inner Harbor** (like Marina Village) as this area nearest **bedrock of main city of Alameda** - more stable.

Recommend: East Housing - Catellus development - good area for housing as land more stable.

C13-2

Land Use - pg 3-10 Off-Site Transit Centers

"These centers would include bus shelters and bicycle lockers and reflect a transit-oriented street design."

Recommendation: Forget the bicycle lockers. Bicycle lockers at BART stations were being used by homeless people to sleep or places to keep their carts/belongings. Berkeley BART is removing all bicycle lockers.

C13-3

Recommendation: Require covenants and restrictions on new residential developments which require residents to park their cars in their garages. City should not permit conversion of garages to living quarters. Increase offstreet parking spaces based on number of bedrooms in a house.

Traffic & Circulation

Pg 3-147. "The highest rate of accidents occurs at 3rd St. and Atlantic Ave."

Comment/Question: **Nothing** in report about impact of East Housing development and this intersection.

C13-4

Figure 4-4 - page 4-133 Reuse Plan Alternative Mitigation Measure (Copy attached)

It appears left/right turn lanes onto Webster from Mariner Village Parkway connection are missing from diagram. It only shows right turn from Tinker going South on Webster St..

C13-5

I foresee **problems** with Tinker Ave Extension/Webster St. This will cause another stop light on Webster St for traffic going into the Posey tube to Oakland. It is going to cause traffic backup all the way down Webster St.

Pg 3-165. Sensitive Receptors

Recommend: Include **Kiddie Campus at Second and Pacific Ave.** There is also a child care center at Woodstock Elementary School.

C13-6

Population & Housing

Pg 4-32 Displacement of Existing Residents.

Comment: There is no displacement of existing residents. This is good. It would not be good planning to convert East Housing to low/moderate income housing - over 500 units. The majority to multiple units and low income housing already exists in this area. With the addition of the **homeless** housing (16 agreements with the City) and the **veterans rehab** project in West Housing area, all of the West End could become a ghetto. The **West End** needs to be upgraded.

C13-7

Pg 4-32 Community Improvement Plans (APIP & BWIP)

Comment: Where is it planned to build these very low, low or moderate income units as required by law? Are they to be incorporated as development takes place? Does **homeless** housing already earmarked and agreed to within the Catellus development fulfill the law requirements? Does it include HUD-approved agreements for specific property and facilities which are to be leased rather than conveyed to homeless providers?

C13-8

Pg 4-37 Public Services

Comment: Police, fire protection and school impact are significant. Already a teenager has been robbed at the new skatepark. Security of uninhabited remote areas in necessary.

C13-9

Pg 4-190 Noise

Add following mitigation or something similar.

Mitigation 3. Ensure proper planning, road and street design to include **landscaped** parkways with rows of trees, shrubs and flowers etc. to **reduce noise, improve air quality and increase visual aesthetics.** Allow no street parking along Atlantic Ave and Main St parkways.

C13-10

Hazardous Materials & Waste

Pg 4-208 "The health risk associated with unidentified subsurface hazards cannot be quantified because the nature and extent of potential exposure are unknown".

Comments/Questions:

What about Hazardous Waste sites which cannot be remediated? Potential parkland or urban forest? Or premanently fenced off?

Refer to:

Figure 2-3 - page 2-11 Buildings Proposed for Demolition

Figure 3-21 - page 3-188 NAS Alameda Installation Restoration Program Sites

Recommendation: I think buildings proposed for demolition in figure 2-3 and included on figure 3-21 as an Installation Restoration Program Site, be demolished **prior** to transfer of property to the city. Then **HAZWASTE** under these buildings can be determined now and not **20 years** later. Refer to figure 3-21.

C13-11

HAZWASTE mitigation measures will increase cost of land to developers who will pass on these costs to homeowners etc. We need to try to control these exhorbanent costs.

Comment/Question: Per EIR human and ecological exposure to residual contamination during construction activities is significant. Does the City of Alameda have a department that is going to **monitor and enforce hazardous exposure mitigation requirements** during the next **20 to 40 years**?

Other:

Landfill: Recycling of building materials from demolished buildings would reduce land fill.

C13-12

RV Park: Believe it would be better to include it near the Northwest Territories and Civic Core where there is more activity. It would be near the skate park, golf course, and other recreational facilities proposed by the city.

C13-13

Transit Services: Figure 3-19, page 3-151.

Suggest post this on Kiosks around the city and on library bulletin boards. This is a good site map of transit services.

C13-14

I hope I've understood this EIR and that these comments, recommendations, questions will be helpful. Would appreciate reply to questions either in future news releases/articles or return correspondence, if possible.

Thank you,

Matthew Jensen
122 Cypress St

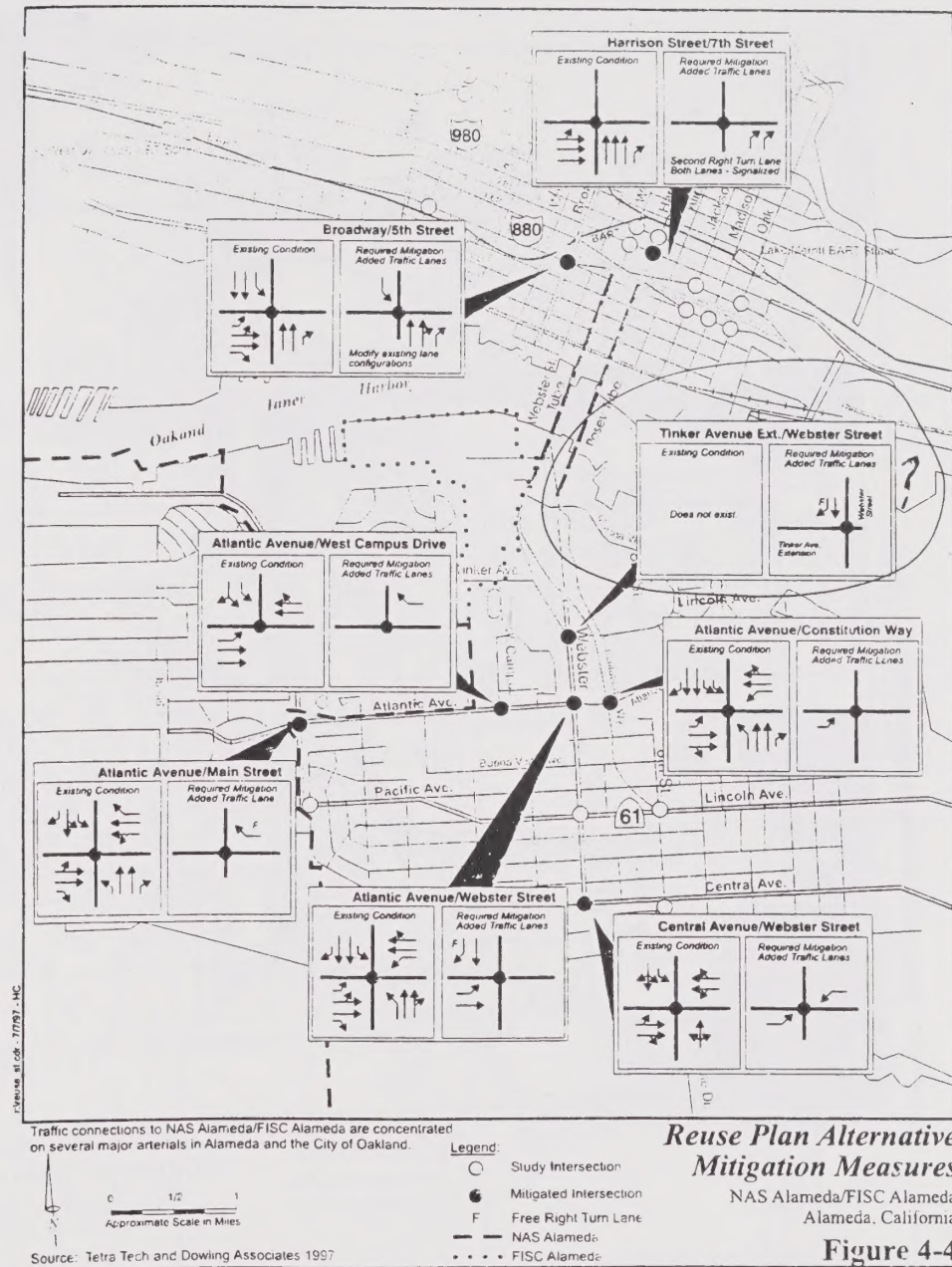
4.10 Traffic and Circulation

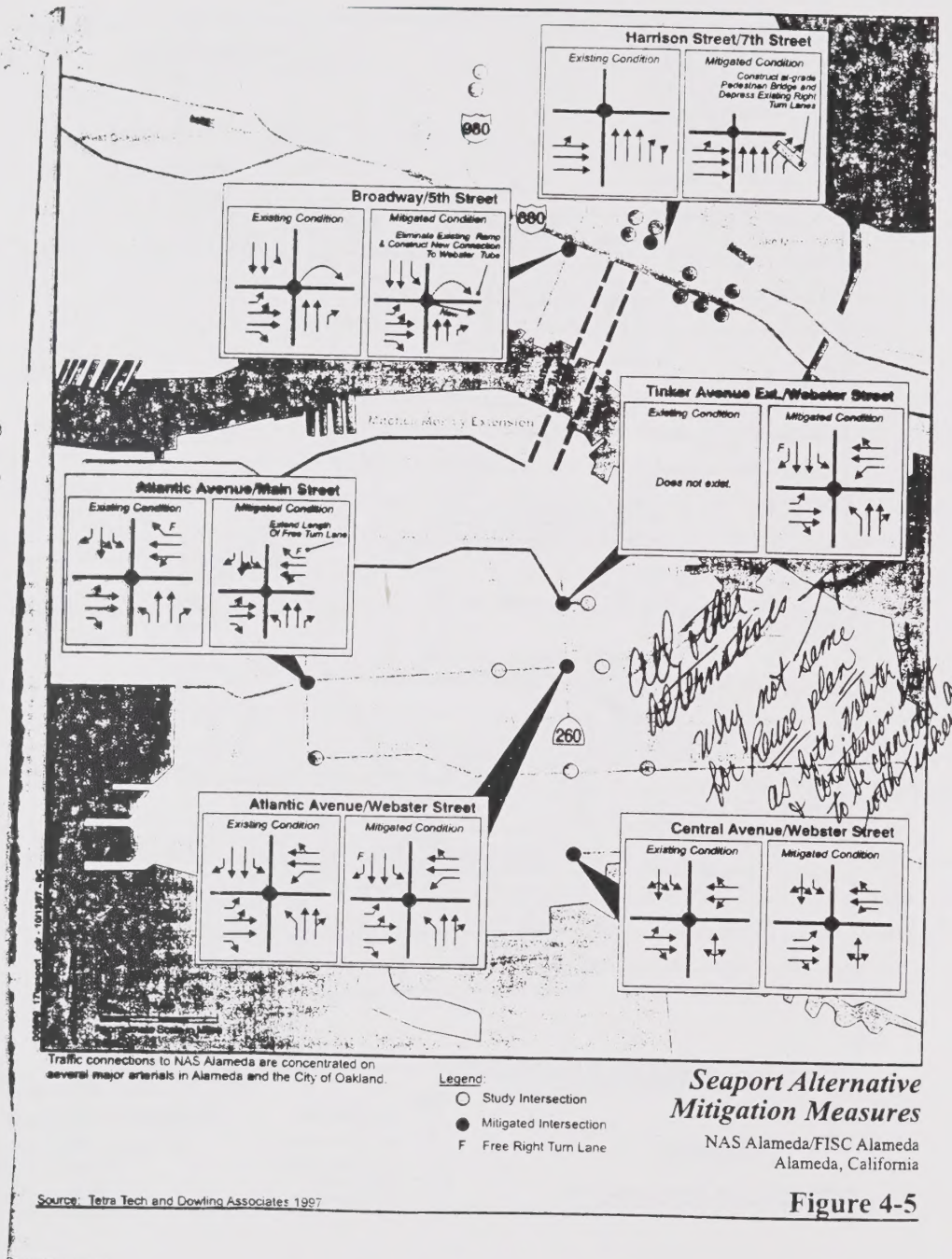
Mitigation 1c: Atlantic Avenue at Webster Street: Provide a second left-turn lane on the eastbound Atlantic Avenue and a free right-turn lane on the southbound approach of Webster Street. These modifications would mitigate the traffic impact at this intersection to a nonsignificant level.

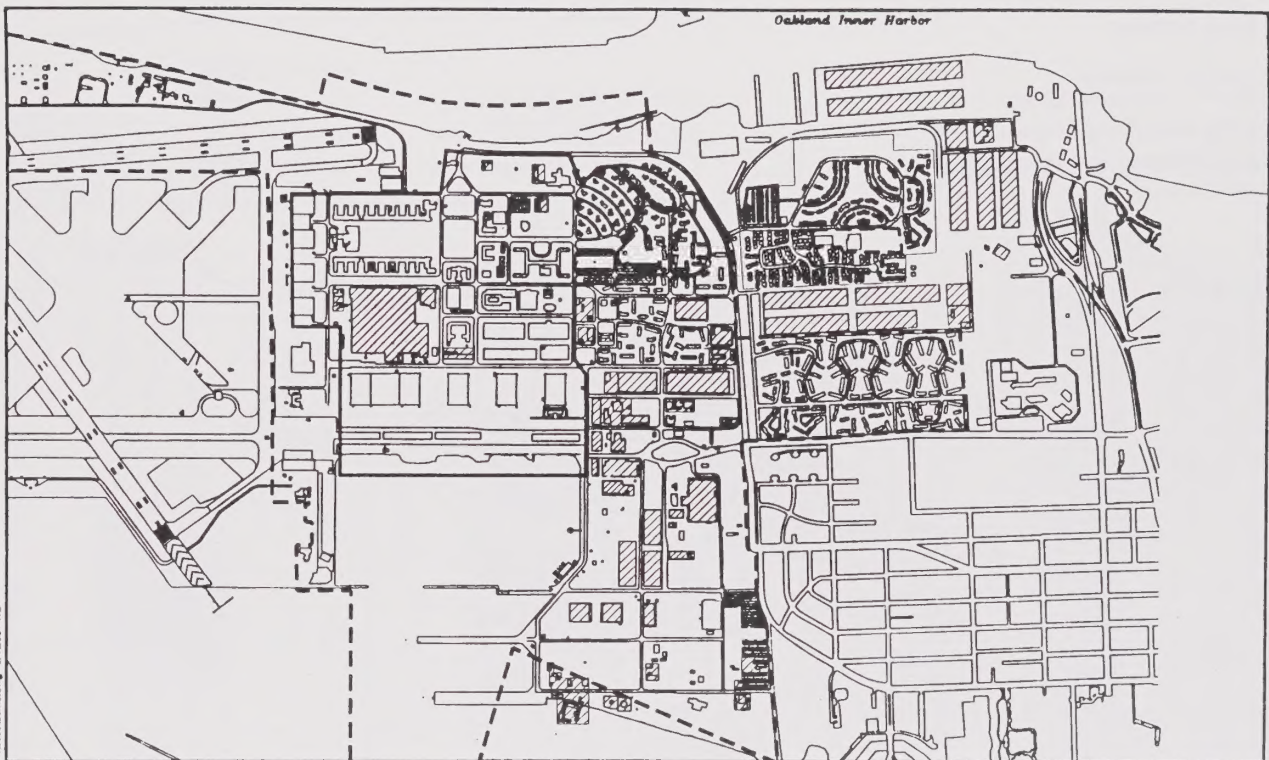
Mitigation 1d: Central Avenue at Webster Street: Provide a left turn lane on both approaches of Central Avenue and Webster Street to maintain adequate peak-hour levels of service. Central Avenue is currently a four-lane street without any left-turn storage lanes at the Webster Street intersection. To accommodate this mitigation measure, parking adjacent to the left turn lanes must be eliminated. Providing the left turn lane would mitigate the traffic impact at this intersection to a nonsignificant level.

Mitigation 1e: Tinker Avenue at Webster Street: Provide a separate free right turn lane to the southbound approach of Webster Street. As part of the Reuse Plan Alternative, Tinker Avenue on base would be extended and routed through the College of Alameda to connect with both Webster Street and Constitution Way at the existing "T" intersection of Constitution Way and Mariner Village Parkway. The preliminary configuration provided a left, through, and through-right turn lane on Webster Street southbound at Tinker Avenue. Providing the separate right turn lane would mitigate the traffic impact at this intersection to a nonsignificant level.

*Reuse Plan
Alternative*







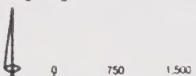
Buildings Proposed for Demolition

NAS Alameda/FISC Alameda
Alameda, California

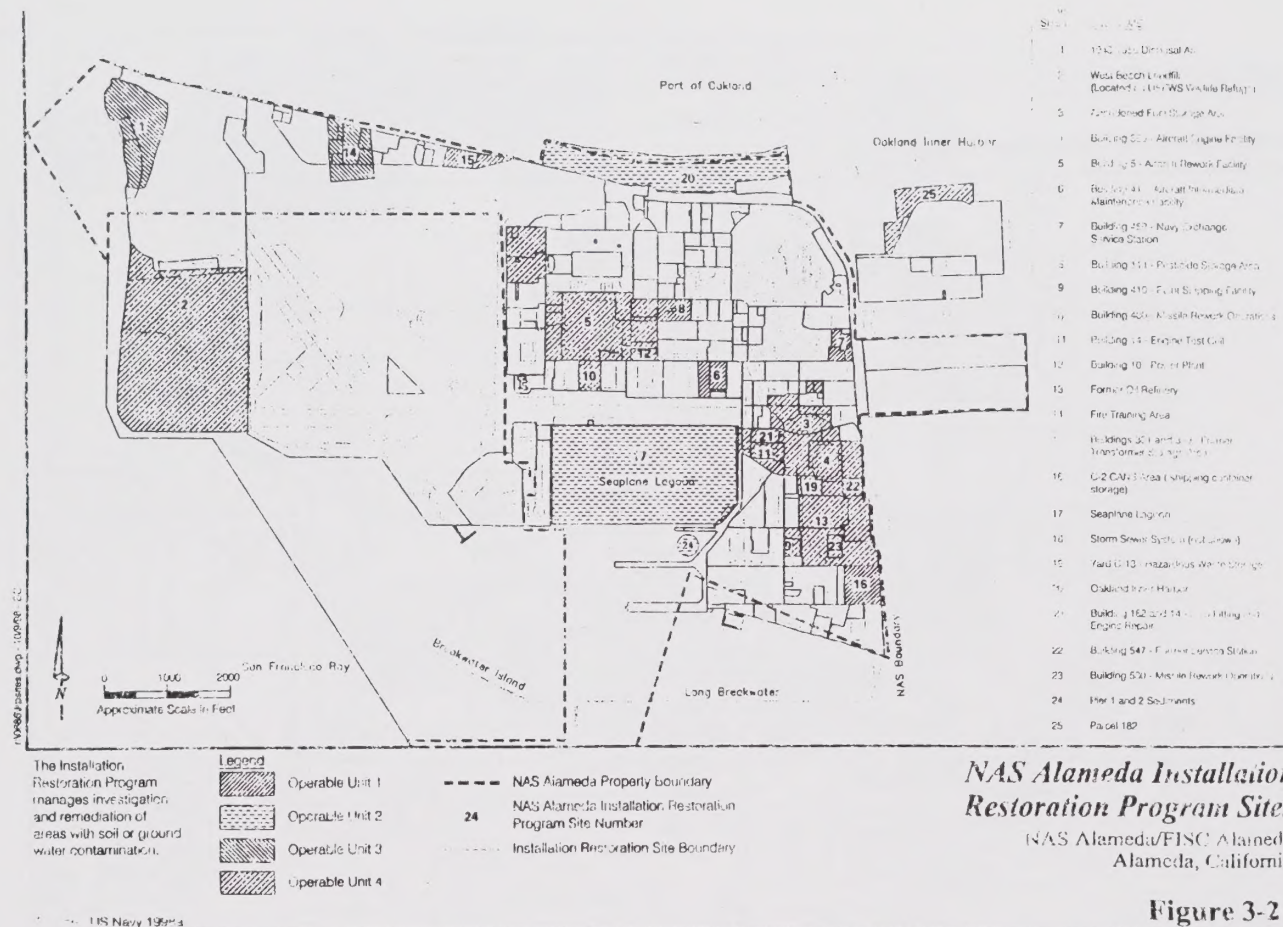
LEGEND:

- FISC Alameda Property Available for Disposal Boundary
- NAS Alameda Surplus Property Boundary
- NAS Alameda Historic District Boundary

This figure reflects long-term demolition envisioned in the Reuse Plan. FISC Alameda will be redeveloped beginning in the year 2000.



BM - 9801.08 Date: 04/02/2000



COMMENTOR C13

Kathleen Jensen, June 25, 1999

C13-1 The availability of funds for the required demolition of buildings is not an issue required by the California Environmental Quality Act to be assessed. Details relating to the potential physical impacts of demolishing buildings would be addressed at the time of project-specific environmental review.

C13-2 The potential for liquefaction is addressed on pages 4-95, 4-99, 4-102, 4-104 and 4-105 of the Draft EIR. Mitigation measures for potential impacts are identified and no additional mitigation measures would be necessary.

It should be noted that all of NAS Alameda/FISC Alameda is subject to liquefaction potential. The suggestion of the Commentor to build in the bedrock area of the City or construct only in the Inner Harbor area would not meet the project's objectives.

C13-3 Comment noted. Mitigation 5 on page 4-141 states "The City will require development projects to provide adequate offstreet and curbside parking for proposed reuse development consistent with City ordinances and requirements." Bicycle lockers at off-site transit centers would be a critical element to ensure the successful use of such transit centers and to encourage the use of alternative transportation modes. The comment does not link the recommendation for required garage parking and increased offstreet parking spaces with any specific element of the Draft EIR, therefore, no further response is necessary.

C13-4 The planned improvements on Atlantic Avenue (already identified in the City's Capital Improvement Program) will mitigate this high-accident location by installing left turn pockets and phasing. Mitigation 6 on page 4-141 refers to existing City plans for mitigation of high accident locations.

C13-5 Figure 4-4 on page 4-133 identifies only the lanes required to mitigate project impacts. The impacts of Tinker Avenue extension on operation of existing traffic will be addressed in the environmental review for that project.

C13-6 The Woodstock Elementary School (where the childcare center is located) and the College of Alameda (where Kiddie Campus is located) are already identified as sensitive receptor locations on page 3-165, Paragraph 2 of the Draft EIR.

C13-7 Comment acknowledged.

- C13-8 The exact location of very low, low and moderate income units has not yet been determined. Comments regarding homeless housing do not relate directly to the EIR and do not affect the adequacy of the EIR analysis.
- C13-9 Mitigation measures for significant impacts related to police and fire protection and schools are identified on pages 4-38 through 4-46 of the Draft EIR.
- C13-10 The mitigation measures on pages 4-184 through 4-190 of the Draft EIR address the impact of off-site noise generated by traffic. Traffic-related air quality impacts are addressed on pages 4-166 through 4-179. The addition of landscaped parkways would not effectively mitigate increased noise. Other mitigation measures shown in Mitigation Measure 2 on page 4-190, such as building setbacks and acoustical insulation, would be adequate to mitigate the identified impact.
- C13-11 Please see Responses to Comments C5-19, C5-20 and C5-22.

No hazardous waste sites that cannot be remediated have been identified. A limited investigation of contamination underneath buildings, most notably at Building 5 in connection with the RCRA closure, has been conducted by the Navy. The concentrations of metals detected in the soil during this investigation were comparable to background levels and were not elevated near the sumps or process tanks. Cyanide concentrations were reported as non-detectable. CERCLA Section 120(h)(3) would apply to any contamination discovered under buildings at the time of demolition. That section requires the federal government, at the time of transfer of the property, to record a covenant warranting that "any remedial action found to be necessary after the date of [the] transfer shall be conducted by the United States."

- C13-12 Comment acknowledged. Recycling of materials is addressed on page 4-52 of the Draft EIR in the section entitled "Solid Waste Management".
- C13-13 Comment acknowledged. This comment addresses the merits of the proposed project rather than the adequacy of the Draft EIR.
- C13-14 Comment acknowledged. This comment does not address the adequacy of the Draft EIR and therefore no further response is necessary.

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JUN 29 1999

PLANNING DEPARTMENT
 CITY OF ALAMEDA

May 27, 1999

Ms Cynthia Eliason, Planning Manager
 City of Alameda
 2263 Santa Clara Avenue
 Alameda, California 94501

Subject: U.S. FISH AND WILDLIFE SERVICE BIOLOGICAL OPINION SECTION
OF THE DRAFT EIR FOR THE NAVAL AIR STATION ALAMEDA AND
THE FLEET AND INDUSTRIAL SUPPLY CENTER, ALAMEDA

Dear Ms Eliason:

The USFWS has presented legally binding terms and conditions covering implementation of corrective measures and actions the City of Alameda must take outside the boundaries of the Fish and Wild Life Refuge to protect the least tern at Alameda Point, on not only the adjacent Northwest Territories, Civic Core and Marina, but on the entire land west of Main Street. That is about 900 acres beyond the approximately 565 acres of land the Fish and Wildlife Refuge has taken from the closed NAS to protect the least terns. These terms and conditions require the City to prepare annual reports, periodically prepare plans and plant palettes, monitor grounds and buildings, and prepare review and approval process information. These measures are extensive and will be both costly and time consuming for the City to implement.

As a citizen of the City of Alameda, I would like to know what cost USFWS will impose on the City for protection of the least tern. What is the monetary cost to the City of Alameda? Please break down the costs of the individual items of annuals reports, preparation of plans and plant palettes, monitoring grounds and buildings, preparation of review and approval process information.

C14-1

What are the impacts on Alameda Point development? Will such restrictions, etc., reduce the desirability of locating here for prospective businesses? What will be the impacts of the restrictions on the aesthetics of the area and quality of life?

C14-2

It has to enter a reasonable person's mind that the best solution to preserving an endangered species is requiring USFWS ownership of a Refuge with 565 acres of land plus 375 acres of submerged land and placing restriction on and monitoring of an additional 900 acres of urban

C14-3

land by the City of Alameda. Is this the best way to protect the least terns, or just the easiest way for the USFWS to approach the problem? What other solutions have been considered?

C14-3

Requirements placed on the City of Alameda by the USFWS Opinion are paraphrased in the following paragraphs in order to point out the extraordinary burden USFWS has placed on the City. (The page numbers in parenthesis refer to the pages in the Draft Environmental Impact Statement, Volume II. The specific requirements are underlined.)

(Page D-50, 1d)) NOTIFICATION PLAN OF UNAUTHORIZED PUBLIC ASSESS - The City must implement a detailed plan for land outside the boundaries of the Refuge which provides measures for notifying property owners, lessees, and the general public of the necessity for controlling unauthorized public access into the Refuge. Signs must be installed that identify the biological importance and value of the adjacent least tern colony and the prohibitions of access and use. The City must assume responsibility for notification of restrictions, enforcement and maintenance of the plan in perpetuity.

(Page D-50, 1e) PREDATOR MANAGEMENT PLAN - The City must assume responsibility for implementation of a predator management plan on lands outside the boundaries of the Refuge and west of Main Street (that's the entire base). The plan must fully integrate and coordinate predator management and activities with those employed in the Refuge. These include removal of feral cats or other animals, control of avian predators such as gulls, ravens, crows, and raptors. Within the Northwest Territories and within 600 feet of the refuge boundary in the Civic Core and Marina areas, the tops of all buildings must be inspected for avian predator nests once each week by the USFWS or other qualified personnel. The golf course and regional park areas must be monitored for ravens and crows and other avian predators. Adequate funding mechanism must be provided to ensure 20 hours per week of predator management from April 1 through August 15.

(Page D-51, 1-f) PROHIBITION OF FEEDING STATIONS OR COLONIES FOR FERAL CATS - Feeding stations or colonies for feral cats and any native and non-native wildlife species that are potential predators of the least terns is prohibited in perpetuity throughout Alameda Point. Enforceable rules and regulations will be developed which ensure the success of this prohibition.

(Page D-51, 2a) LIGHTING RESTRICTIONS - Any lighting associated with building security and other lighting needs or requirements throughout the Northwest Territories, Civic Core and Marina areas must be designed to minimize any increase above the level of ambient night time light on the lands within the proposed Refuge. As a condition of approval for any project, the City must perform design review to minimize an increase in ambient nighttime light levels.

(Page D-52, 2b) LIGHTING STUDY - The Navy and/or City must prepare and implement a study to determine the existing ambient night time light level on land within 750 feet of the traditional least tern colony site. The final study design prior to implementation and post-study results are subject to review and approval by the Service. From April 1 through August 15 each year, the City must ensure that the level of ambient night time light does not increase more than 10 percent above the existing ambient night time light level. The Service may request to review any lighting plan within the NWT, Civic Core, and Marina areas prior

to its implementation to confirm that the plan meets the standards described above. The Service may require the City provide written documentation that ambient lighting has not increased more than 10 percent.

(Page D-52, 3a) STORMWATER MANAGEMENT AND MONITORING PLANS FOR THE NORTHWEST TERRITORIES (NWT) - Detailed stormwater management and monitoring plans for the NWT must be developed by the City in coordination with the Service, and implemented in perpetuity to protect open water foraging areas for least terns and brown pelicans.

(Page D-53, 3f) PLANTING ON GOLF COURSE AND REGIONAL PARK - No trees can be planted within the golf course and regional park areas, including the area proposed for the golf clubhouse and conference center. A minimum of 49 acres of non-irrigated grasslands must be created on the golf course. Of the 49 acres, 8 acres could be accommodated on Refuge land. The City must ensure that the grasslands on City and regional park property are managed in perpetuity to sustain avian predator populations. The City must prepare a palette of shrubs and herbaceous vegetation proposed for planting. The palette must be reviewed and approved by the Service prior to planting.

No night time lighting will be provided in the golf course and regional park, except for the 6 acres for clubhouse and conference center. Final golf course and regional park design/configuration, herbicide/pesticide drift control plan, and landscaping and management plans shall be developed in coordination with the Service prior to any new development.

(Page D-54, 3g and j) SOCCER FIELD LIGHTING - The soccer fields can not be lighted for nighttime play from April 1 through August 15 unless the lighting can be designed to minimize any increase in nighttime ambient light. The City must ensure that all anti-perching devices on light posts are maintained in perpetuity.

(Page D-54, 3h and I) SOCCER FIELD PLANT MATERIAL -No trees or landscape turf can be planted in the area within 100 feet from the northern boundary between the Refuge and soccer field. The only turf allowed is that which is required for the soccer field playing surface. No trees greater than 20 feet in height near the soccer field. The tree species must be light-limbed. No palm trees can be planted. Shrubs less than 4 feet in height can be planted. The City must prepare palettes of tree and shrub species proposed for planting which must be approved by the Service prior to planting.

(Page D-54, 3I) SOCCER FIELD STRUCTURES - No artificial features greater than 20 feet in height can be constructed.

(Page D-55, 4a) CIVIC CENTER ZONE 1 - No new buildings, light posts, vegetation greater than four feet in height, landscape turf, or other structures greater than four feet in height can be constructed without prior approval from the Service. The Service shall review all proposed plans to ensure compliance with terms and conditions. (See attached plan)

(Page D-55, 4b) CIVIC CENTER ZONE 2 - Any new buildings constructed or extensions of existing buildings shall not exceed the height of the existing buildings. No palm trees are

allowed. Within line-of-sight of the existing tern colony landscaping is restricted to vegetation less than four feet high. In areas outside the line of sight of the existing colony, no trees greater than 20 feet in height, shrubs greater than 6 feet in height, or landscape turf shall be planted. The density of trees and shrubs in this area shall not exceed one tree or shrub per 550 square feet. The City must prepare a palette of tree and shrub species proposed for planting and the palette must be reviewed and approved by the Service. Light posts 20 feet or greater in height shall contain anti-perching devices which will be maintained in perpetuity.

(Page D-55, 4c) CIVIC CENTER ZONE 3 - Same as Zone 2.

(Page D-55, 4d) CIVIC CENTER ZONE 4 - If building 19 or the firehouse is replaced with a new building, the new building will not extended further west and east than the western and eastern most point of the existing building, and not exceed the existing width of the building as measured from north to south. A new building, not to exceed 20 feet in height, may be constructed just east of Building 19 or may be added on to the fire house provided that the new building/extension is not in direct light of sight of any portion of the existing least tern colony. New buildings may have an additional 5 feet of height to accommodate heating/air conditioning/ventilation units as long as these units are placed as far back and away from the side of the building facing the refuge as possible.

(Page D-55, 4e) CIVIC CENTER - The softball fields shall not be lighted for night time play from April 1 through August 15, unless proposed lighting in these areas can be designed to minimize any increase in the night time ambient light level. The City must ensure that all anti-perching devices on lightposts proposed for the softball fields are maintain in perpetuity.

(Page D-56, 5a) MARINA ZONE 1 - No new buildings, light posts, vegetation greater than 4 feet in height, landscape turf, or other structures greater than 4 feet in height can be constructed. The Service shall review all proposed plans to ensure compliance with terms and conditions.

(Page D-56, 5b) MARINA ZONE 5- Building 25 may be reconstructed within the footprint of this zone with the following restrictions: Any new building in this zone cannot exceed the existing height (55 ft.) and landscaping must be restricted to vegetation less than 4 feet in height (within the current line-of-sight portion of the northeast corner of this zone. Further restriction are the same as in Zone 2.

(Page D-56, 5c) MARINA ZONE 6 - Same as in Zone 4

(Page D-56, 5d) MARINA STORMWATER MANAGEMENT AND MONITORING PLAN - Detailed stormwater management and monitoring plans for the Marina must be developed in coordination with the Service and implemented in perpetuity.

(Page D-57, 5e) BOAT OWNER NOTIFICATION. - Contracts or leases for boat owners using the Marina area must include notification of restrictions in least tern foraging areas within the open water boundaries of the Refuge. The contracts must include conditions that provide for revocation of the contracts or leases if these restrictions are violated. The contracts must include conditions that provide for revocation of the contracts or leases if

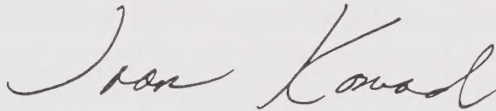
these restrictions are violated. The Service must review and approve language of these contracts prior to granting leases or signing contracts.

(Page D-57, 5f) DREDGING - No dredging activities can occur during the period from March 15 through September 30 each year to minimize open water turbidity just prior to and during the least tern breeding season and brown pelican peak non-breeding season.

The USFWS retains ultimate decision-making authority over the need for implementation of corrective measures and/or actions by the City.

I hope the solution to preserving the least tern colony can be accomplished without affecting safety or the aesthetics of Alameda Point or putting a heavy financial burden on the local citizens. Since it is the responsibility of the U.S. Fish and Wildlife Service to protect endangered species, shouldn't they also incur the costs?

Sincerely,

A handwritten signature in cursive script, reading "Joan Konrad".

Joan Konrad

Copies: Malcolm Mooney, Environmental Chair, BRAG
Lee Perez, Chair, BRAG

COMMENTOR C14**Joan Konrad, June 29, 1999**

- C14-1 Requirements for protection of the least tern are addressed under Mitigation Measure 1 on page 4-74 of the EIR and in responses to other comments in this document (e.g., responses to USFWS comments are found in Responses to Comments A2-1 through A2-16). The California Environmental Quality Act does not call for the identification of the monetary costs of such mitigation measures.
- C14-2 Per the conclusions of the USFWS Biological Opinion, contained in Appendix D-3 of the Draft EIR, no significant impacts would be expected from the mitigation measures required for protection of the least tern.
- C14-3 The concerns expressed in this comment regarding the requirements placed on the City of Alameda by the USFWS Biological Opinion are noted. However, the question of who should bear the financial burden associated with management of the proposed wildlife refuge is one of economics; and, while economic information about a given project may be included in an EIR, it is not required. Please see also Response to Comment C14-2 above.

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RECEIVED

JUN 29 1999

PLANNING DEPARTMENT
 CITY OF ALAMEDA

June 28, 1999

Ms Cynthia Eliason, Planning Manager
 City of Alameda
 2263 Santa Clara Avenue
 Alameda, California 94501

Subject: TRAFFIC AND CIRCULATION EVALUATION IN THE DRAFT EIR FOR THE NAVAL
 AIR STATION ALAMEDA AND THE FLEET AND INDUSTRIAL SUPPLY CENTER,
 ALAMEDA

Dear Ms Eliason:

The EIR evaluates traffic and circulation in the *Reuse Plan Alternative* using projections of existing traffic volumes focusing on the impacts of local peak hour traffic congestion at intersections. By extensively evaluating traffic patterns the EIR selects the automobile as the primary form of transportation instead of focusing on accommodating public transit as is the *Community Reuse Plan's* primarily goal. Numerous alternative forms of transportation are mentioned in the EIR, but none is extensively studied to reduce the impacts of reliance on the automobile.

The Centers/Transit Nodes are shown on a number of plans in the EIR but only cursorily discussed as mitigation factors, yet they are one of the primary concepts of the *Community Reuse Plan*. Their impacts should be addressed.

Below are the estimates for vehicle trip generation and for peak hour person trips on transit in the *Reuse Plan Alternative*:

Vehicular Traffic

Trips on Transit

4-91 - Daily traffic, one way	45,265
AM Peak hour inbound	7,458
AM Peak hour outbound	2,842
PM Peak hour inbound	3,159
PM Peak hour outbound	7,806

4-104 Peak hour person trips:	
BART	331
Bus	744
Ferry	46

These numbers do not reflect an emphasis on transit.

C15-1

MITCHELL MOSLEY AND TINKER AVENUE EXTENSIONS

It is not clear in the EIR where the Mitchell Mosley and the Tinker Avenue Extensions connect. Both appear to tie into the Marina Village Parkway, though the evaluation states they tie into Constitution Way and Webster. The *NAS Alameda Street Improvement Plan* shows both streets directly connected to Marina Village Parkway. What will be the impacts on Marina Village if either one or both of these two thoroughfares connect to Marina Village Parkway? How much increase in traffic is projected for this street? Will the Marina Village Parkway have to be widened, its parkway removed? Will Mitchell Mosley be a truck route into Marina Village Parkway? What impacts will there be on the Marina Village residential neighborhood? What will be the impact on Neptune Park?

C15-2

INDEPENDENCE DRIVE AS A BUS ROUTE

At present Independence Drive in Marina Village, which was designed as a residential street, is heavily traveled during morning and evening commute hours as a short cut by through traffic. What measures are planned to prevent traffic on this residential street from increasing?

C15-3

(Figure 3-19 *Transit Services*) This Transit Services plan shows Independence Drive as a Route for Nos. 42 and 12 bus lines. This is not the case presently. Is there some plan to use this residential street as a bus route in the future?

I hope the City will evaluate these issues in the Final EIR.

Sincerely,



Joan Konrad

Copies: Lee Perez, BRAG
Rahn Verhaeghe, Vintage Properties
Marina Village Homeowners Association

COMMENTOR C15**Joan Konrad. June 28, 1999.**

- C15-1 The Centers/Transit Nodes are described under Public Transit on page 2-28 of the Draft EIR. Transit nodes are a land use designation to support transit opportunities. The transit opportunities are evaluated as a whole and first described on page 4-136.

No specific designs for transit nodes have yet been developed. Therefore, their project-level impacts cannot be assessed at this time. The intent of these transit nodes is to reduce overall traffic levels. The estimates for vehicle trip generation for the Reuse Plan Alternative include transit use (as explained on page 4-126, paragraph three) and assumes that about 5 percent of all trips would be transit-based. Page 4-126 addresses trip reductions associated with transit use.

The traffic analysis found in the EIR is conservative by design. No additional reductions for extensive transit usage or other TSM program implementation has been included in the analysis. With implementation of the recommended TSM program for individual projects, including the transit focus described in the Reuse Plan, off-site traffic should be reduced. Please also refer to Response to Comment B2-8 for a clarification of how the TSM program is applied to the analysis.

- C15-2 Please refer to Response to Comment C6-1 and C6-2.
- C15-3 As explained on page 4-125 of the Draft EIR, intersections and freeway segments were evaluated. Only certain arterials were evaluated as listed in Table 4-17 on page 4-124. Local streets such as Independence Drive were not evaluated in the EIR as no impacts were anticipated. Figure 3-19 has been revised to reflect that the routes for Nos. 42 and 12 follow Challenger Drive rather than Independence Drive and is shown in Chapter 3.

2.4 COMMENTS PROVIDED BEFORE THE PLANNING BOARD ON JUNE 28, 1999

Oral Comments

COMMENTOR D1

Vickie Smith

Comment D1-1: Ms. Smith expressed her concern about rent increases in the west end of Alameda.

Response: Analysis of potential adverse housing impacts is provided in the Draft EIR on pages 4-28 to 4-36. On page 4-29, the Draft EIR sets forth the two criteria that the City has adopted for determining whether an impact related to housing would be considered significant. Those criteria are as follows: "Displacement of substantial numbers of existing housing units, necessitating the construction of replacement housing; or displacement of substantial numbers of existing residents, necessitating the construction of replacement housing." The Draft EIR concludes that the proposed project would not displace substantial numbers of existing housing units or residents. Particular development projects could have such an effect, but the proper time to evaluate those effects would be during the environmental review for those projects when the specific numbers of units proposed to be demolished and constructed would be known and when specific measures could be developed to mitigate the impacts.

The issue of socio-economics and whether a general increase in the rents in the project vicinity would result from the proposed project is one that relates to the merits of the proposed project, rather than its physical environmental impacts. Such issues may be important, but are more appropriately addressed through the ongoing discussions held on the project's merits before locally appointed or elected decision makers (e.g., the Planning Board and/or City Council). Also see Responses to Comments C5-14 and C11-3. No further response is necessary.

Comment D1-2: How many dwelling units will the City of Alameda acquire when NAS Alameda is conveyed to the City.

Response: As indicated in the first paragraph on page 3-35, NAS Alameda/FISC Alameda contains 1,511 units of family housing. The City of Alameda will acquire between 929 and

1,511 of these units, depending upon the method of transfer ultimately sued by the USCG.

Comment D1-3: How many of these units are included in the General Plan for meeting the City's "fair share" of the region's affordable housing.

Response: The City's Housing Element, not this EIR, is the appropriate forum for discussion of fair share of affordable housing.

Comment D1-4: If City's "fair share" is not provided at the NAS and FISC, what other locations would be available in Alameda?

Response: The City's Housing Element, not this EIR, is the appropriate forum for discussion of fair share of affordable housing.

COMMENTOR D2

Patrick Lynch

Comment D2-1: Mr. Lynch provided a definition of environmental justice used by the US EPA and raised a question regarding whether the proposed reuse of NAS treats Alameda residents equitably.

Response: The topic of environmental justice is one that is required to be analyzed under the National Environmental Policy Act (NEPA) but not under CEQA. Therefore it is not evaluated in the Draft EIR.

Comment D2-2: Mr. Lynch made several statements and raised questions related to potential hazardous materials impacts. He wanted to know what has the City of Alameda done, independent of its work with the US Navy to ensure that it does not incur liability for hazardous materials on the site? There are risks of human exposure and ecological exposure during remediation as well as exposure during the eventual demolition and construction. As part of these risks, there is a need for an "off-site consequences analysis" to consider the effect of the chlorine tank at the swimming pool at NAS. He also described his understanding of a accidental release of radioactive water into the storm drain system over the past year and stated that he considers those kinds of risks to be potentially significant under CEQA. The significance criteria that should be applied in the EIR are those set forth in Proposition 65.

Response:

The Navy is the current owner of the property and, as such, is required to investigate the property and either warrant that “all remedial action necessary to protect human health and the environment with respect to any such hazardous substances remaining on the property has been taken before the date of such transfer” (CERCLA Section 120(h)(3)(A)(ii)(I) or in an early transfer situation, assure that all necessary steps will be taken to investigate and remediate the property (CERCLA Section 120(h)(3)(c)(ii)). In addition, “any remedial action found to be necessary after the date of such transfer shall be conducted by the United States” (CERCLA Section 120(h)(3)(A)(ii)(II)). Furthermore, the Navy is required to indemnify the City for any claim for personal injury or property damage related to hazardous materials as a result of Department of Defense activities at the site. Pub.L. 102-484, Section 330.

The proposed project does not involve any increased chlorine use at the existing swimming pool. Chlorine transport, use and storage is strictly regulated by existing laws governing air toxics and acutely hazardous materials, which are designed to protect human health and the environment.

The proposed project does not authorize prohibited activities. Please refer to the discussion under Impact and Mitigation 2, pages 4-201 through 4-203 in the Draft EIR, regarding human and ecological exposure to residual contamination during construction activities.

Please refer to the discussion on pages 4-206 to 4-207 in the Draft EIR, under “Human Exposure to Contamination During Remediation Activities.” Navy standard operating procedures and OSHA worker health and safety requirements would ensure that the impacts of remediation activities on construction workers and site users would be non-significant. Please refer, also, to the discussion under Impact and Mitigation 1, pages 4-198 through 4-201 in the Draft EIR, regarding human exposure to unremediated areas during site use prior to complete remediation. Proposition 65 does not apply to government entities (Cal. Health & Safety Code Section 25249.11(b)). Rather, site specific health risk levels would be determined by DTSC and USEPA, as applicable, pursuant to their regulatory authority.

COMMENTOR D3**Eric Strimling**

Comment D3-1: Mr. Strimling asked about air quality in the vicinity of the Webster Street and the Posey Tubes. He reiterated what was stated in the EIR, but asked what the air emission concentrations would be. He also asked if occasional auto accidents would cause worse congestion and therefore worse air quality.

Response: Existing air quality conditions are described in the Draft EIR on pages 3-162 to 3-165. The potential effects of the proposed project and alternatives are set forth in the Air Quality section of Chapter 4 (pages 4-163 to 4-180). In addition, Appendix G of the Draft EIR contains background data and air quality modeling results from the analysis conducted for the Draft EIR. The Commentor's point is correct that when auto accidents cause traffic congestion to worsen, localized air quality worsens as well. However, the standards established by the BAAQMD and against which the project was measured, account for these occasional incidents. The air quality analysis prepared for this EIR evaluates a plan document at a programmatic level of detail. When specific projects are subsequently proposed and made subject to the environmental review requirements of CEQA, more specific air quality analysis could be undertaken at a greater number of intersections.

Comment D3-2: Question about truck traffic exiting the NAS area and heading toward the Posey Tube. How would that traffic affect air quality?

Response: Truck traffic is included in the general air quality analysis presented on pages 4-164 to 4-180 conducted for the proposed project and alternatives. At this programmatic level of review, the trips generated are assumed to be comprised partly of autos and partly of trucks.

Comment D3-3: Question about non-point source water pollution.

Response: Potential water resources impacts are analyzed on pages 4-107 through 4-121. The significance criterion for non-point water pollution states (page 4-107, first criterion) that the alternative would have a significant impact on water resources if it would: "Violate any water quality standards or waste discharge requirements; create or contribute runoff water that would provide substantial additional sources or

polluted runoff; or otherwise substantially degrade water quality.” The analysis indicates that water resources impacts are either less than significant or can be mitigated to a less than significant level.

Comment D3-4: The 2 percent annual increase in background traffic is too simple to use in the EIR. How would that assumption relate to actual counts or experience? Has it been corrected for the closure of the base?

Response: The annual increase in background traffic is a way of looking out many years into the future at projected levels of development in the East Bay and greater Bay Area and then convert those expected levels of development and their vehicle trips into an annual rate of growth. The background growth rate of 0.5 percent per year (not 2 percent) is a conservative choice (i.e., one which aims to ensure that the background levels of traffic are not underestimated) and is used in the City of Alameda General Plan.

The background growth rate assumption does account for the fact that NAS Alameda is no longer a functioning military installation.

COMMENTOR D4 **Tom Matthews**

Comment D4-1: Mr. Matthews would be in favor of rehabilitating the East Housing units so as to provide for workforce housing. He believes that it could be done economically.

Response: Comment noted. This comment is not directed at the EIR or its adequacy.

Comment D4-2: Where will moderate income workers at project site live? The EIR should evaluate whether future employees could find housing at the redeveloped site or elsewhere in Alameda.

Response: As discussed on page 4-32, paragraph 5, the existence of the APIP and BWIP redevelopment plans assure that funds will be set aside for the provision of very low, low and moderate income housing. The Draft EIR concludes that workers who would be employed at a redeveloped NAS and FISC Facility would live throughout the East Bay and greater Bay Area, just as employees at other Alameda businesses presently do. Based on the significance criteria used for this

EIR (see page 4-29), an increase in demand for housing would not be considered a significant impact. Economic development of the type represented by the job-generating portions of the reuse alternatives is occurring in many communities comprising the housing market of which Alameda is a part. New jobs in Oakland, Berkeley, or Emeryville lead to demand for affordable rental housing in Alameda and vice versa. The EIR concludes on page 4-32 that regional changes in population and housing are considered neither beneficial nor adverse.

Comment D4-3: How far will workers who cannot afford housing in Alameda have to drive in order to reach jobs at the project site? How much extra traffic would the project create?

Response: The traffic impact analysis in the Draft EIR is based on empirical information about where employees who work in Alameda live. The traffic that is forecast to be generated by the proposed project and the alternatives takes account of the fact the only a small proportion of workers employed in Alameda also live in Alameda. The assumed trip distribution patterns are shown in Figure 4-3.

COMMENTOR D5

Peggy Dougherty

Comment D5-1: Ms. Dougherty provided several comments related to changes in west Alameda in recent years and her opinions about the proposed reuse plan.

Response: Comment noted. None of these comments were directed at the EIR or its adequacy.

Comment D5-2: Would the composition of land uses envisioned for NAS lead to increases in housing prices in the vicinity of the site and displacement of middle income residents? How will the City function if it's middle class were to be driven elsewhere? What effect would shift in population have on local schools?

Response: See Responses to Comments C5-14 and C11-3 regarding housing. School impacts are addressed on pages 4-39 through 4-47 and are considered significant and mitigable for all reuse alternatives.

COMMENTOR D6

Tom Harris

Comment D6-1: Mr. Harris is in favor of rehabilitating the East Housing units. He also described how the lumber from the demolition of a church was used for one of Alameda's current churches. He pointed out that the church employs up to ten child care workers and argued that they should be able to live in Alameda in housing they can afford.

Response: Comment noted. None of these comments were directed at the EIR or its adequacy.

COMMENTOR D7

Jeffrey Keyes

Comment D7-1: Mr. Keyes discussed a recent report that was the subject of a City Council item related to "fair share" housing provision and expressed the opinion that City employees (e.g., police officers) should be able to live in Alameda. Several questions were raised about the cost of providing housing for moderate (and lower than moderate) income Alameda residents.

Response: Comment noted. These comments were not directed at the adequacy of the EIR.

COMMENTOR D8

Mary Sutter

Comment D8-1: Ms. Sutter provided several general comments regarding the traffic and transit analysis in the Draft EIR, the likely constraints to future development posed by traffic congestion, and the TSM mitigation measures that were recommended. One mitigation measure not included in the EIR could increase the traffic reduction from TSM from the assumed 10 percent, to 20 percent or even 30 percent: subsidize transit rather than on-site parking. Also what would it cost to increase AC Transit routes in the vicinity of the site.

Response: As noted in Mitigation Measure 2a in the Traffic and Circulation section (page 4-136 of the Draft EIR), if adopted, a comprehensive set of TSM programs would be implemented and should include several components. Please see Responses to Comments B5-57, C5-15 and C8-1.

The issue of the cost of increasing AC Transit services in the vicinity of the site is one that resides outside the purview of this EIR.

Comment D8-2: Would moderate income housing like that of rehabilitated units in the East Housing area lead to more transit usage? What effect would rehabilitation of East Housing (versus new construction of housing units) have on the number of truck trips?

Response: The traffic analysis conducted for each of the reuse alternatives considered a maximum number of residential units that may exist at project buildout. The program-level analysis that was conducted did not differentiate as to whether the units would be rehabilitated or new units and made very conservative assumptions regarding transit as to provide a conservative (worst-case) analysis. A more detailed project-specific analysis will be provided for each specific development proposal considered under the Reuse Plan.

The City is currently considering a development project which is proposed for the FISC Facility and East Housing area. A project-specific Draft EIR was recently published by the City for this project. The Draft EIR for that project considers a project alternative that involves the rehabilitation of the East Housing units.

Comment D8-3: What level of housing would be needed in Alameda to provide a jobs/housing balance?

Response: The issue of job/housing balance is not a topic that is required to be analyzed under CEQA and there is no specific significance criterion provided in the *CEQA Guidelines*.

Comment D8-4: Are the Reuse Plan street alignments and plans good for transit?

Response: The patterns incorporated into the Reuse Plan Alternative are similar to other areas of the City which support effective transit use. Transit planning is also incorporated into Mitigation 2a on page 4-136 of the EIR.

Comment D8-5: The Draft EIR should include an analysis of a more transit-friendly alternative.

Response: See Response to Comment C1-4.

Comment D8-6: Other questions were raised in regard to the financing of transit improvements.

Response: This comment does not address the adequacy of the EIR.

COMMENTOR D9

Steven Gerstle

Comment D9-1: What proportion of Alameda residents could afford homes costing what those in the project area would cost? What proportion of new workers would have to live outside of Alameda.

Response: See Responses to Comments C5-14, C11-3 and D4-2.

Comment D9-2: How will Alameda be affected by the inability of some public safety employees to live in Alameda, especially during a big accident or natural disaster (e.g., a major earthquake).

Response: There is nothing about any of the reuse alternatives that would specifically preclude public safety employees from living in Alameda in either existing and/or new residential units. See also Response to Comment D4-2.

Comment D9-3: How far away will Alameda workers need to live in order to find affordable housing. What will be the impact on traffic (and air quality and noise).

Response: See Response to Comment D4-3.

Comment D9-4: What steps will be taken to ensure that current renters would not be displaced.

Response: See Responses to Comments to C5-14 and C11-3.

COMMENTOR D10

Steven DeSantos

Comment D10-1: Mr. DeSantos provided several comments in regard to planning for NAS, and the diversity of Alameda's residents, but did not raise any issues related to the EIR.

Response: Comment acknowledged.

COMMENTOR D11**Carl Anderson**

Comment D11-1: Mr. Anderson emphasized the housing crisis faced by residents of Alameda and Oakland and concluded that the Draft EIR is inadequate because the proposed project will exacerbate these conditions. The EIR needs to examine the significant change in the type of housing that would result from the project (from workforce housing to luxury housing). Also, what will the impact be on the City of Oakland and the rental housing market there? What mitigation measures have been identified to deal with these issues?

Response: See Responses to Comments C5-14, C11-3 and D4-2.

COMMENTOR D12**Joan Visser**

Comment D12-1: Ms. Visser discussed the issue of housing cost in general terms and cited an article from the San Francisco Chronicle related to "fair share" housing estimates and the provision of such housing by communities.

Response: Comment noted. These comments are not directed at the adequacy of the EIR.

COMMENTOR D13**Elsbeth Hopkinson**

Comment D13-1: Ms. Hopkinson provided comments about affordable housing in general, but did not raise any issues related to the Draft EIR.

Response: Comment acknowledged.

COMMENTOR D14**Irene Dieter, speaking on behalf of Audie Bock, Member of California State Assembly**

Comment D14-1: Ms. Dieter cited several issues of concern to Ms. Bock including hazardous materials, truck traffic and potential displacement of low income residents. In addition, she raised an issue related to the selection of a developer for the East Housing site.

Response: Since no specific comments related to hazardous materials and truck traffic were provided, the Commentor is referred to the analysis of hazardous materials in Chapter 4.13 and the analysis of traffic provided in Chapter 4.10 of the Draft EIR. Please refer to Responses to Comments C5-14 and C11-3 that address the potential displacement of low income residents. The comment related to the selection of a developer for the East Housing site is not related to the adequacy of the EIR.

COMMENTOR D15

Richard Neveln

Comment D15-1: Mr. Neveln stated that he believes that the issues of transportation, air quality, housing, and transit are not discussed in an interconnected way in the Draft EIR. He described how traffic and air quality relate in terms of impacts. He approves of the TSM mitigation measures recommended in the Traffic and Circulation section of Chapter 4, but feels that more specificity is needed. Also pointed out was the possibility for legal challenges related to potential development of the East Housing area.

Response: The analysis contained in the Draft EIR for each of the topics listed above by Mr. Neveln are interconnected with each other as appropriate. For example, the air quality analysis is specifically linked to the traffic analysis and the mitigation measures are cross-referenced between the two topics as appropriate. In other ways, the interconnection between topics are implicit. For example, many of the findings of the water quality analysis feed into the biology analysis. See Response to Comment C8-1 for a response to Mr. Neveln's specific comments related to the TSM mitigation measures. Mr. Neveln's comment related to the possibility for legal challenges associated with the development of the East Housing area does not address the adequacy of the EIR.

COMMENTOR D16

William Smith

Comment D16-1: Mr. Smith believes that there are opportunities at NAS for innovative transit planning, but that it has not happened in the Draft EIR. Either the Plan or the EIR should require more transit so that transit use would increase. The ultimate mitigation measure of limiting growth until a new estuary crossing is in place might not be as effective as directing

more money to transit to start with. Several comments on the Reuse Plan itself were also provided.

Response: See Responses to Comments B5-57, C1-4, C5-15 and C8-1 regarding transit.

COMMENTOR D17

Heather Hefner

Comment D17-1: Ms. Hefner discussed the rental housing market and costs of renting in Alameda. Other questions raised concerned the selection of Catellus as the developer of the FISC and East Housing sites, and potential lawsuits associated with that selection process.

Response: The proposed project under review in this EIR is the plan for Reuse of NAS Alameda and FISC Alameda. The EIR addresses the potentially significant environmental impacts of that project. With the exception of the questions raised in the following comment, these comments do not relate to the environmental review of the project.

Comment D17-2: How will the City mitigate the loss of 590 units of housing? How much will the "in-lieu" fees be, for this loss?

Response: See Response to Comment A4-4.

COMMENTOR D18

Lester Dickson

Comment D18-1: Mr. Dickson spoke in favor of racial diversity in the City of Alameda and provided the opinion that higher income residents would tend not to use public transit.

Response: No response is necessary as these comments are not directed at the adequacy of the EIR.

COMMENTOR D19

Jeff Georgevich

Comment D19-1: The underlying reuse plan on which this environmental analysis is based is one that won't work. The proposed land uses and the traffic that would be created would lead to the need for the traffic cap. Why have a plan that cannot be built out? A different balance of jobs and housing could help the situation. Shouldn't the EIR have another

alternative that would allow that level of development to buildout?

Response: CEQA requires a lead agency to consider a range of reasonable alternatives. The *CEQA Guidelines* specifically state that *an EIR need not consider every conceivable alternative to a project*. The City of Alameda believes that the range of alternatives considered in this EIR does represent a reasonable range of alternatives. The alternatives analyzed considered a wide range and mix of land use types and densities. The Reduced Density Alternative does not exceed the capacity of the Tubes.

Comment D19-2: The EIR doesn't address issues of costs and revenues, or the local tax base. The public doesn't have access to financial information and it should be in the EIR.

Response: CEQA does not require the inclusion of economic impacts in EIRs. Fiscal issues (public sector costs versus revenues) and financial issues (private or public sector issues related to how projects are funded over time and who pays for what) are not considered appropriate topics in EIRs, unless a direct physical effect can be linked to the fiscal or financial issues.

Comment D19-3: The land uses analyzed in this EIR would not be compatible with existing uses in the west end of Alameda. The significance criteria and findings are not clear on this subject. The issue of low income and high income residents in close proximity to each other and the project's effect on gentrification needs further analysis.

Response: See Responses to Comments C5-14, C11-3 and D4-3.

COMMENTOR D20

Mary Glass

Comment D20-1: The population and housing impact must be found to be significant. The EIR assumes that the incoming residents would be similar to the previously US Navy employees and that is not a valid assumption. Where the homeless population would be housed needs to be shown. A chart on page 35 says the project employees will look like the US Navy employees

Response: See Responses to Comments C5-14, C11-3 and D4-3. See Response to Comment C9-7 regarding population

characteristics. The location of homeless housing is not required for analysis of environmental impacts.

Comment D20-2: Traffic gridlock on streets leading to the Park Street bridge (Santa Clara, Buena Vista, Lincoln, Park) needs to be addressed. Could be massive gridlock on rest of Island.

Response: Chapter 4.10 evaluates potential traffic impacts on all roadways segments and intersections that would be significantly impacted by the development of any of the alternatives.

COMMENTOR D21

Eve Bach

Comment D21-1: Many speakers tonight have raised the issue of the existing East Housing dwelling units represent an “irreplaceable resource” due to the constraints imposed by Measure A.

Response: Commented noted. These comments are not directed at the adequacy of the EIR.

Comment D21-2: The remainder of Ms. Bach’s comments concerned the fiscal effects of the proposed project. Of particular concern are the effects on local government revenues of using the City’s Redevelopment powers and the LAMBRA process as part of the redevelopment of NAS.

Response: See Response to Comment C5-2 and D19-2.

COMMENTOR D22

Ruffino Ramos

Comment D22-1: Several comments in opposition to the proposed project were offered.

Response: Comment noted. None of the comments provided were directed at the EIR or its adequacy.

COMMENTOR D23**Ruth Abbe**

Comment D23-1: The issue of waste management and recycling was raised, specifically, the City's waste stream diversion rate of only 46 percent (versus the State law which requires 50 percent by the year 2000). Progress toward achievement of the required standard would be harmed by anything less than major recycling efforts as part of the proposed project.

Response: See Response to Comment B5-43.

COMMENTOR D24**Cia Sello**

Comment D24-1: The potential impacts of fugitive dust during demolition could be a problem for local residents with asthma. Ms. Sello lives near the Bruzzone site and during construction there, her asthma was made worse.

Response: Impact and Mitigation 1 of Chapter 4.11 on pages 4-164 through 4-166 address potential construction and demolition related air quality impacts including fugitive dust.

Comment D24-2: Some current residents of Alameda would be forced to relocate if rental housing costs were to escalate. The diversity of the community would change if that were the case.

Response: See Responses to Comments C5-14, C11-3, D4-2 and D4-3.

COMMENTOR D25**Barbara Bach**

Comment D25-1: Ms. Bach provided a variety of comments on the process and the amount of time that went into preparing the Reuse Plan. She noted that her own interests include cultural and historic resources. She favors AC Transit service to Building 77, but notes that bus services have been cut back, especially at night and on weekends. That would be a problem for those who don't drive but who want to visit the redeveloped area, including tourists.

Response: Comment noted. None of the comments were directed at the EIR or its adequacy.

3. REVISIONS TO THE FINAL EIR

Chapter 3 presents specific changes to the text of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of discussion or findings in the Draft EIR. In each case, the revised page and location on the page is set forth, followed by the textual, tabular or graphical revision. Text in underline represents language that has been added to the EIR; text with ~~strikeout~~ has been deleted from the EIR.

xi: The following acronym has been added:

CIP Community Improvement Plan

Abstract: Paragraph 3, Sentence 3. The following text has been revised to read:

Significant and not mitigable impacts are identified for visual resources, cultural resources, and biological resources, ~~and air quality.~~

ES-5: Table ES-2, Footnote 2. The following text has been revised to read:

The ARRA has requested that the USCG acquire use of the property under a leaseback arrangement, as provided under DBCRA 1990, rather than by property transfer. The USCG has ~~tentatively agreed and been pursuing leaseback as its preferred alternative since 1997, and leaseback~~ negotiations are pending.

ES-5: Paragraph 1, Sentence 3. The following text has been revised to read:

The USCG has subsequently ~~indicated an interest in pursuing~~ decided to pursue leaseback of the property in lieu of transfer as allowed by the Defense Authorization Act for Fiscal Year 1996.

ES-7 Paragraph 1, Sentence 3. The following text has been revised to read:

The main environmental issues identified during the scoping process were the selection and analysis of an adequate range of EIR alternatives (including a request for a seaport alternative), the selection of the baseline year for analysis, protection of designated public trust land, compatibility of the proposed recreational vehicle park with surrounding neighborhoods, the size of a proposed USFWS wildlife refuge, potential effects on the California least tern colony at the proposed wildlife refuge, ~~and traffic issues, potential for a new Estuary/bridge tunnel, air quality, and dredge material disposal/reuse issues.~~

ES-8: Paragraph 4, Sentence 3. The following text has been revised to read:

In addition, a 69-acre (29 ha) area, described as part of the Main Street Neighborhoods planning area, is either being transferred to the USCG or leased back by the City to the USCG ~~and is not analyzed as part of this project.~~

ES-12: Paragraph 2. The following text has been revised to read:

Table ES-3 summarizes from Table 2-7 the impacts to environmental resources for the No Project Alternative, and the reuse alternatives, followed by a summary of the environmental consequences associated with each resource area. More detailed

information about the impacts and mitigations is presented in Table 2-7.

ES-21: Bullet 3. The following text has been revised to read:

Cultural Resources. All of the reuse alternatives would result in the demolition of contributing properties in the NAS Alameda Historic District. ~~Because contributing buildings to the NAS Alameda Historic District would be demolished,~~ This impact would be significant and not but mitigable under all of the reuse alternatives. Under the Seaport Alternative, however, the Training Wall would also be demolished, which would be a significant and not mitigable impact.

1-14: Section 1.3.2. The following text has been added between the third and fourth paragraphs of this section:

In comments on the Draft EIR, the United States Coast Guard (USCG) indicated that it is pursuing leaseback of the 69-acre area in the Main Street Neighborhoods that currently contains 582 housing units known as North Housing and Marina Village as well as Estuary Park. Under a leaseback, the property would be transferred by the Navy to the City, rather than from the Navy to the USCG in the form of a federal-to-federal transfer as originally requested. The City would then enter into a 50-year term lease with the USCG. No change in use is proposed for the property under either scenario.

The environmental impacts of the alternatives analyzed in the Draft EIR would be unchanged regardless of the form of transfer because no change in the type, density or intensity of use is proposed for the 69-acre property. The existing level of use has been accounted for in the Draft EIR analyses. For example, all traffic and air emissions produced by the existing uses, which would remain unchanged, were included in the cumulative context for purposes of determining impacts. Similarly, population-dependent analyses, such as impacts on schools, take account of the existing demands (e.g., school enrollment) due to the existing population occupying the 69-acre area.

It is the City's understanding that the Navy and USCG will mutually determine the form of transfer prior to the time that the Navy executes the NEPA Record of Decision for the transfer and reuse.

- 1-15: Table 1-2, Footnote 2, Sentence 2. The following text has been revised to read:

The ARRA has requested that the USCG acquire use of the property under a leaseback arrangement, as provided under DBCRA 1990, rather than by property transfer. The USCG has ~~tentatively agreed and been pursuing leaseback as its preferred alternative since 1997~~, and ~~leaseback~~ negotiations are pending.

- 2-3: Paragraph 4, Sentence 3. The following text has been revised to read:

Federal land transfers include approximately 525 acres (213 ha) of dry land and 375 acres (152 ha) of submerged land, which is being transferred to the USFWS for use as a wildlife refuge, ~~and~~ An approximately 69-acre (28 ha) parcel including 582 housing units, ~~which is being transferred or leased back to the USCG for use as housing.~~

- 2-7: Paragraph 2, Sentence 3. The following text has been revised to read:

A 69-acre (28 ha) area, described as part of the Main Street Neighborhoods planning area in the Reuse Plan, is either being transferred to the USCG or leased back by the City to the USCG ~~and is not analyzed as part of this project~~

- 2-13: Figure 2-4 has been revised as shown on the pages following.

- 2-18: Paragraph 2. The following text has been revised to read:

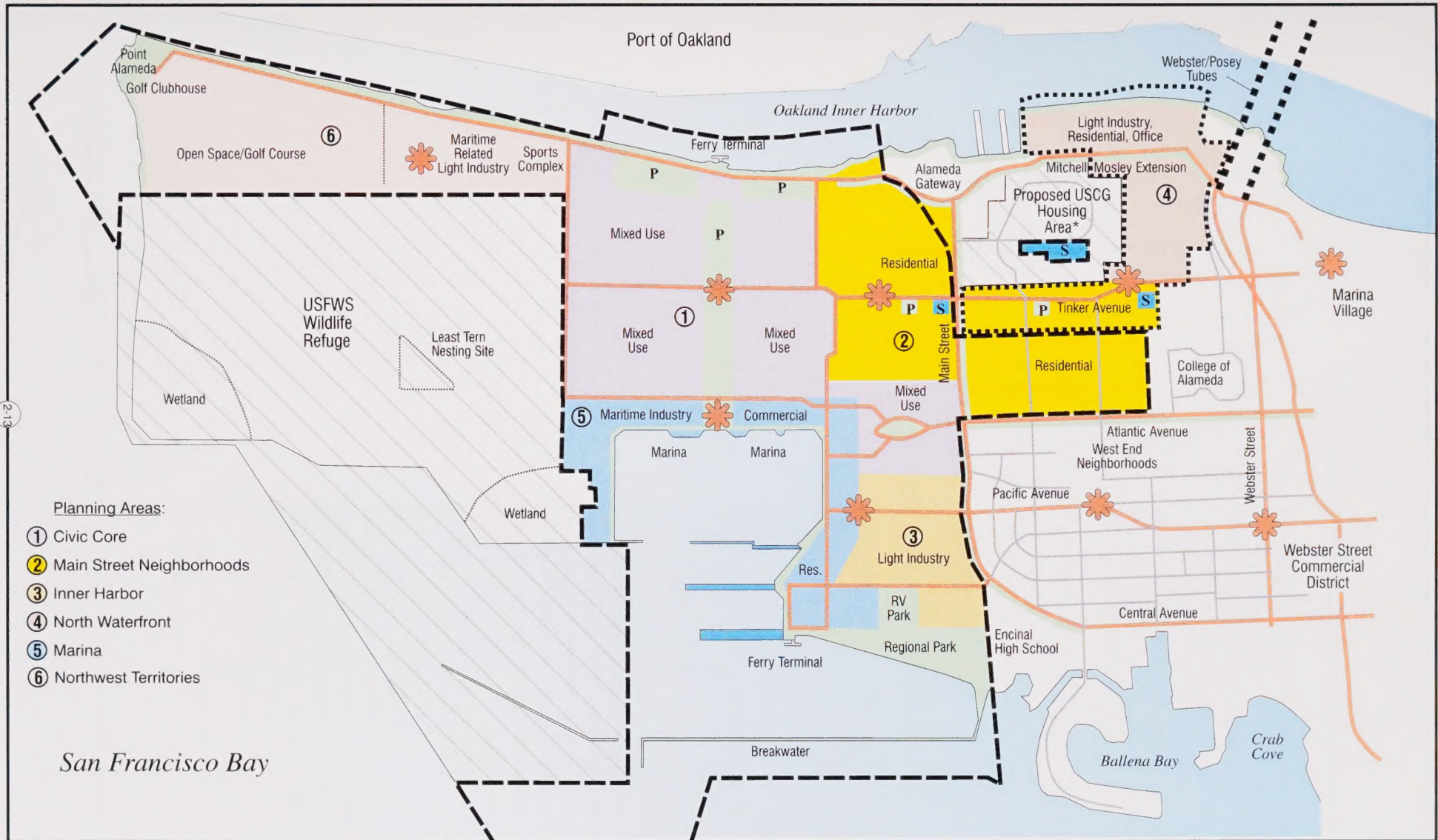
The USCG is pursuing leaseback ~~has requested transfer~~ of approximately 69 acres (28 ha) of land including 582 family housing units in the adjacent North Housing and Marina Village housing developments for use by Coast Guard families.

- 2-18: Paragraph 3, Sentence 2: The following text has been revised to read:

These facilities are surrounded by the USCG housing area but are not part of the USCG ~~transfer~~ leaseback request.

- 2-18: Paragraph 4, Sentence 2: The following text has been revised to read:

This traffic improvement ~~may would~~ pass through proposed USCG property, the Main Street Neighborhoods planning area and City of Alameda land. It is anticipated that the alignment will avoid any existing housing.



The Reuse Plan Alternative is based on the NAS Alameda Community Reuse Plan and would develop the site as a mixed-use transit-oriented development.

*In lieu of a federal transfer, the USCG has been pursuing leaseback as its preferred alternative.



0 1,000 2,000
Approximate Scale in Feet

Reuse Plan Alternative

Figure 2-4

2-27: Paragraph 1, Sentence 2. The following text has been revised to read:

The ~~Many of the~~ transportation improvements identified in the Transportation Element would be implemented as part of the Reuse Plan and all other reuse alternatives and would be made over a 20- to 30-year period, consistent with the anticipated implementation timeline for the Reuse Plan. ~~However, the only specific improvements that were assumed for purposes of this EIR were the construction of the Tinker Avenue extension and the Mitchell/Mosley connector.~~

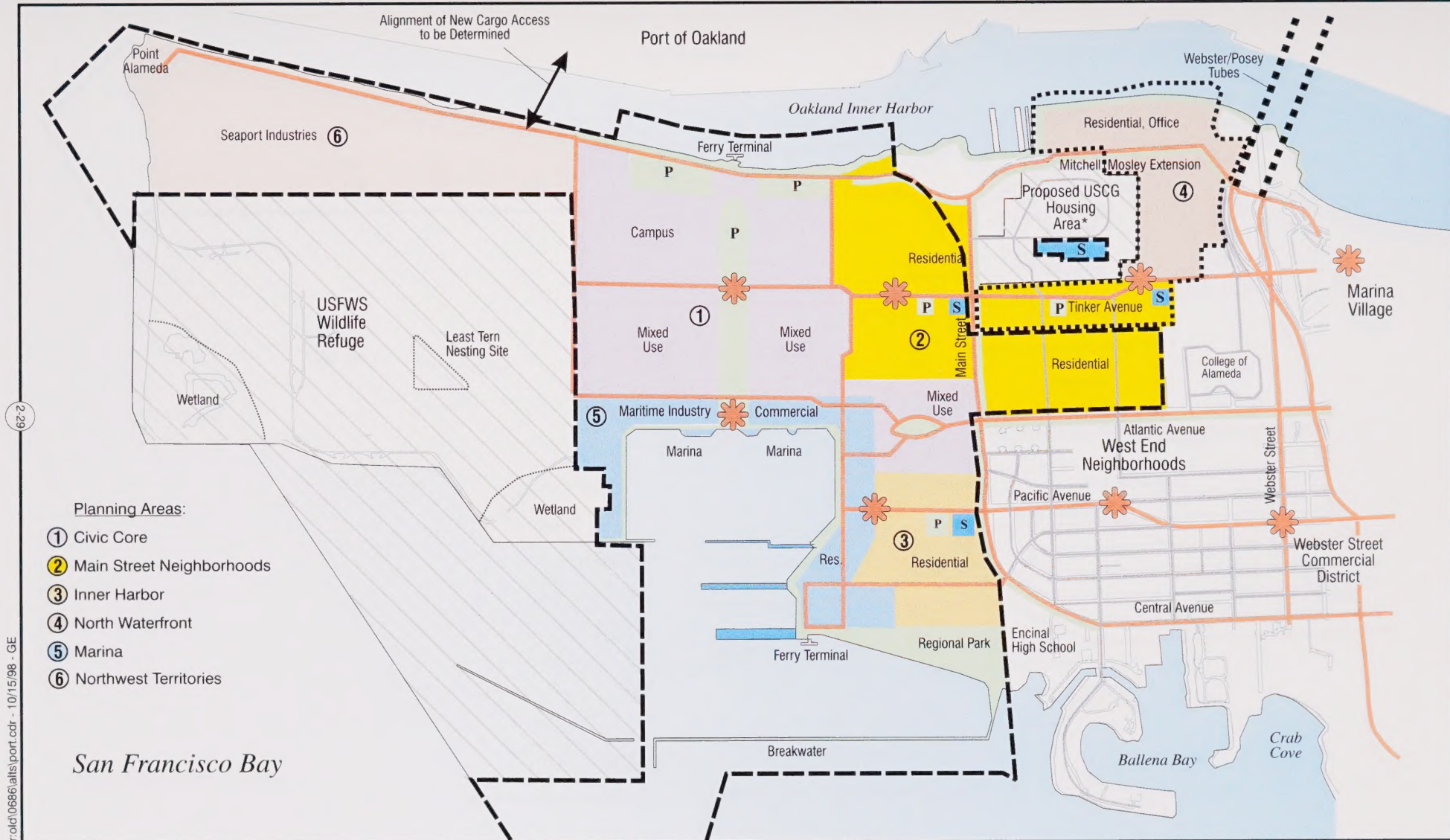
2-29: Figure 2-5 has been revised as shown on the pages following:

2-35: Figure 2-6 has been revised as shown on the pages following:

2-41: Figure 2-7 has been revised as shown on the pages following:

2-46: Paragraph 2. The following text has been revised to read:

During the reuse planning process, ...Subsequent discussions between the USFWS, ARRA, and the Navy, led ~~the USFWS to conclude that a wildlife refuge with approximately 5,252 acres (213 ha) of dry land plus 375 acres (152 ha) of submerged land would provide enough acreage to~~ an agreement in September 1995 on a proposed refuge boundary that would accomplish the wildlife refuge goals, including protection of the California least tern. ~~This boundary, which would have a~~ the northern boundary within the northern runway, was demarcated on a map. Subsequently, the USFWS revised its request to 525 acres (213 ha) of runway open space to be dedicated to wildlife refuge uses. The area delineated in the USFWS revised request has not been surveyed and is therefore estimated as approximately 525 acres (213 ha). Transfer of 525 acres (213 ha) of land (along with 375 acres [152 ha] of submerged land) from the Navy to USFWS is pending. The initial calculation, based on this map, was 525 acres of dry land and 375 acres of submerged land. The USFWS submitted a revised request for this amount of surplus land and water to be transferred for establishment of a refuge. In December 1997 the USFWS surveyed the lands within the boundaries more precisely using digital methods. It was determined that the area within the proposed Alameda National Wildlife Refuge is 565 acres of land and 413 acres of open water for a total of 978 acres. Transfer of land from the Navy to the USFWS is pending. Because USFWS concluded that ~~525 acres (213 ha)~~ this amount would provide adequate habitat for the least tern and revised its request accordingly, further consideration of a 595-acre (241 ha) refuge was eliminated from the EIR alternatives.



The distinctive feature of the Seaport Alternative would be development of a 220-acre port facility with five containerized shipping berths in the Northwest Territories.

*In lieu of a federal transfer, the USCG has been pursuing leaseback as its preferred alternative.



0 1,000 2,000
Approximate Scale in Feet

LEGEND:

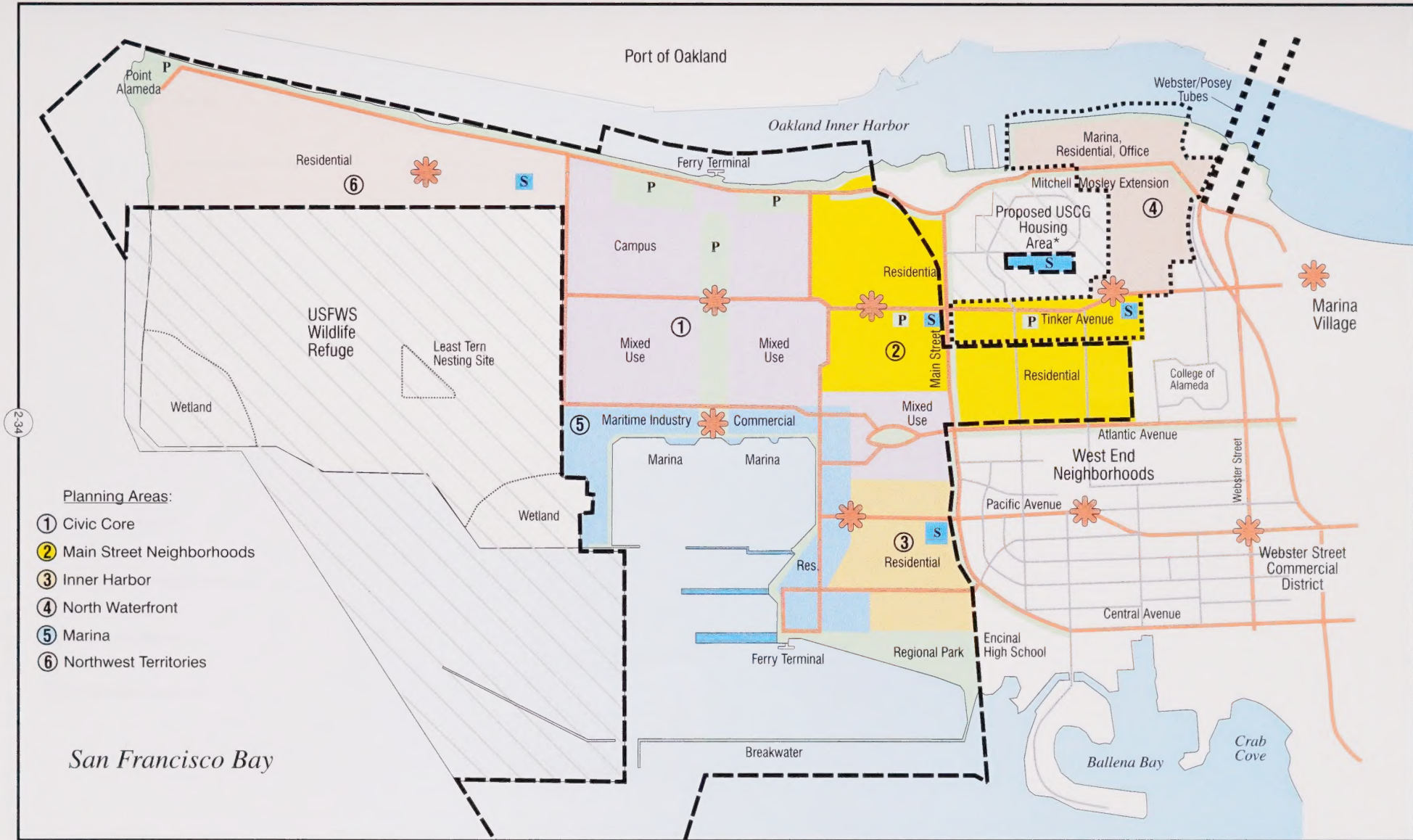
-  Centers-Transit Node
-  Roadway
-  School
-  Park/Open Space
-  Federal Transfer Land

-  NAS Alameda Surplus Property Boundary
-  FISC Alameda Property Available for Disposal Boundary

Seaport Alternative

NAS Alameda/FISC Alameda
Alameda, California

Figure 2-5



This alternative would increase residential development in the Civic Core, Northwest Territories, and the Inner Harbor planning areas over the levels proposed in the Reuse Plan Alternative.

*In lieu of a federal transfer, the USCG has been pursuing leaseback as its preferred alternative.

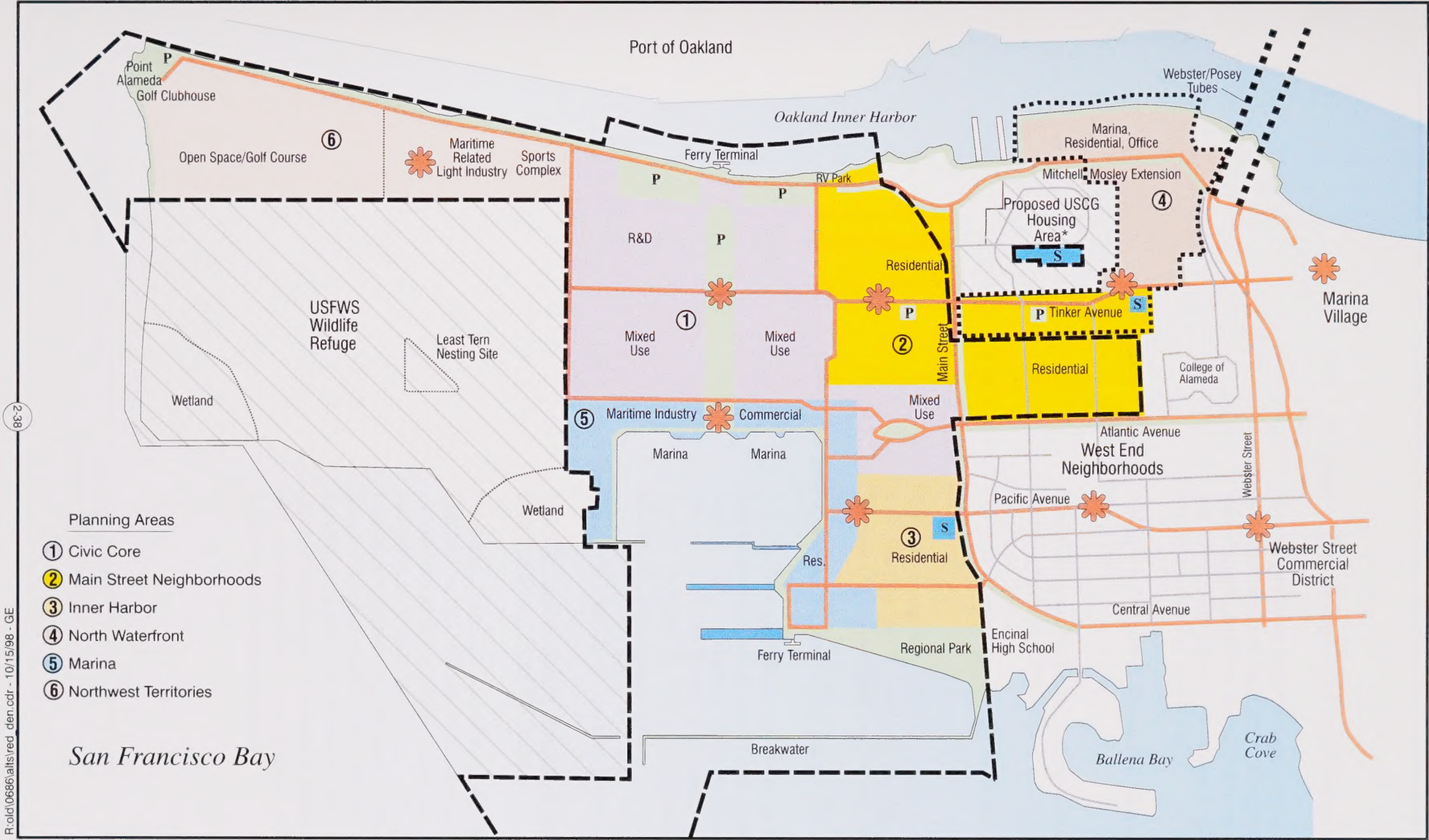
Source: ARRA; EDAW; Tetra Tech

Residential Alternative

NAS Alameda/FISC Alameda
Alameda, California

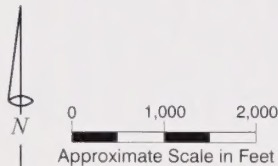
Figure 2-6

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Under this alternative, land uses would be similar to the Reuse Plan Alternative but would be at reduced densities in some areas.

*In lieu of a federal transfer, the USCG has been pursuing leaseback as its preferred alternative.



LEGEND:

- Centers-Transit Node
- Roadway
- School
- Park/Open Space
- Federal Transfer Land
- NAS Alameda Surplus Property Boundary
- FISC Alameda Property Available for Disposal Boundary

Reduced Density Alternative

NAS Alameda/FISC Alameda
Alameda, California

Figure 2-7

- 2-48: Paragraph 4. The following text has been revised to read:

Reuse impacts from land that is either being transferred from the Navy or leased back from the City to by the ~~USFWS and the USCG Coast Guard~~ are considered to be cumulative impacts and are therefore discussed in Section 5.1, Cumulative Impacts, and are not identified in Table 2-7.

- 2-65: Table 2-7, Mitigation Measure 2a (Reuse Plan Alternative). The text has been revised to read:

Map all 100-year floodplains on the site...base level of the site to a minimum of ~~400~~ 10 feet MSL.

- 2-66: Impact 3 (Seaport Alternative). The following text has been revised to read:

A significant and mitigable impact would result from dispersal of contamination due to dredging the Inner Harbor and the Seaplane Lagoon, particularly maintenance dredging.

- 3-8: Paragraph 4, Sentence 5. The following text has been revised to read:

FISC Oakland ~~was will be~~ conveyed to the Port of Oakland for redevelopment as part of a major port expansion with uses that support the containerized shipping industry. The Navy published a NEPA Record of Decision for the FISC Oakland disposal on August 28, 1997. FISC Oakland was conveyed to the Port of Oakland in June 1999.

- 3-19: Last Paragraph. The following text has been added under a new heading:

Alameda County Airport Land Use Commission Airport Land Use Policy Plan (ALUC Plan)

California State law establishes an Airport Land Use Commission (ALUC) in each county to coordinate the compatibility of new development near airports. The ALUC has the power to prepare and adopt a comprehensive plan that establishes restrictions on land uses within a designated ALUC zone or referral areas. The *ALUC Plan* was adopted in 1979 and updated in 1986. It addresses safety hazards, land use incompatibilities, and noise impacts created by aircraft activity and contains policies pertaining to safety zones, height limitations, and hazard prevention.

The ALUC Plan includes policies related to both the Oakland International Airport and the NAS Alameda air facility. For the Oakland Airport, the project does not fall in the ALUC General Referral Area, Safety Zone, Height Referral Area, or regulated noise zones. Aircraft operations at NAS Alameda were discontinued prior to closure of the facility in 1997. There is currently no aircraft activity at NAS Alameda. The City submitted a formal request to ALUC requesting that the airport facility at NAS Alameda be removed from the ALUC Plan, which was approved on December 8, 1999. This modification would eliminate the General Referral Zone, safety zone, and noise contours associated with NAS Alameda.

- 3-35: Paragraph 1, Sentence 3. The following text has been revised to read:

Of the family housing, 300 townhomes were constructed in 1991 in the area designated for transfer or leaseback to the Coast Guard; these 1- to 3-story duplexes are in excellent condition.

- 3-39: Paragraph 6. The following text has been revised to read:

The only school on the NAS Alameda/FISC Alameda site is George Miller Elementary, located in the midst of the housing area that ~~is being transferred~~ will probably be leased back to the USCG.

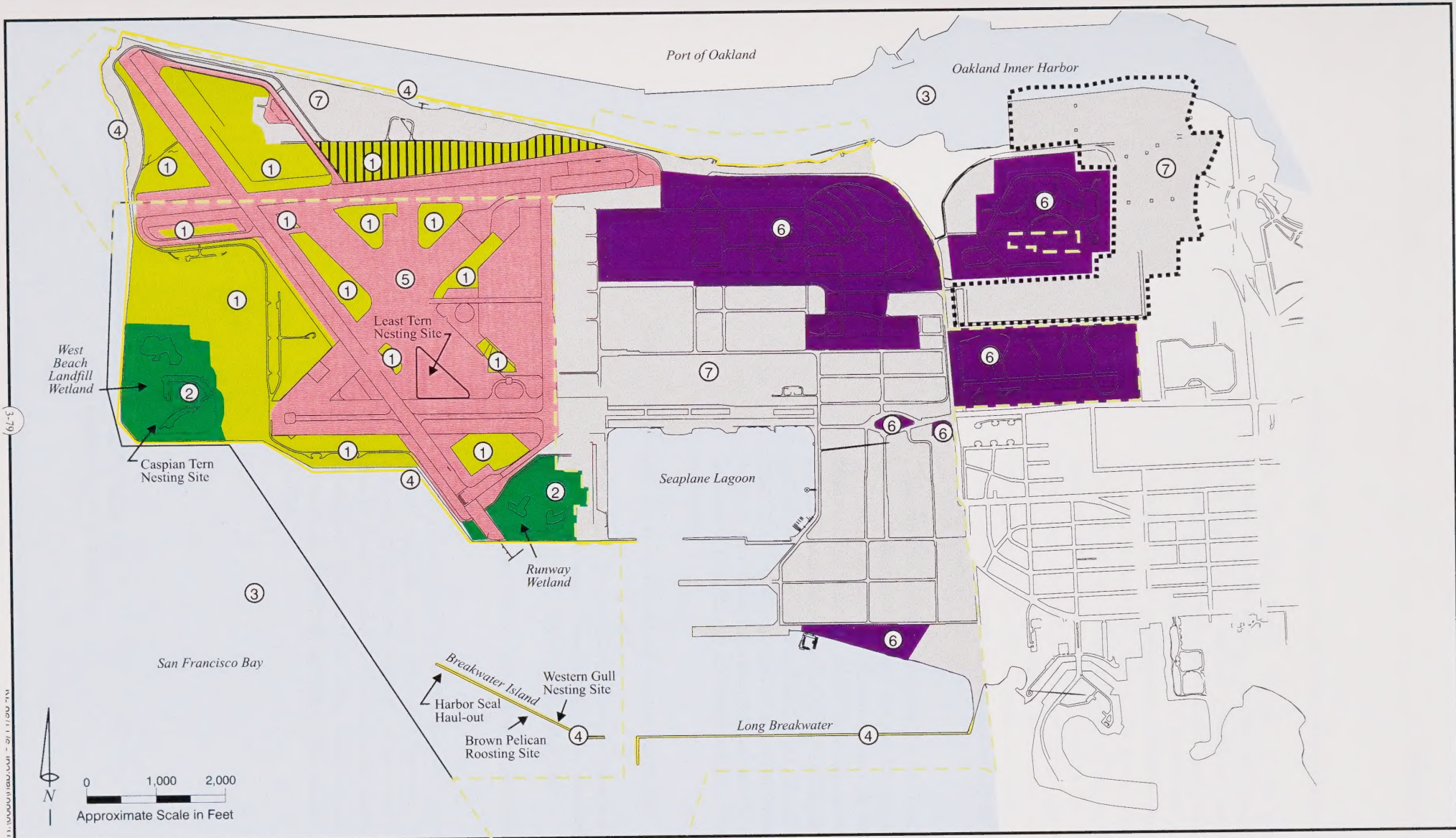
- 3-80: Paragraph 3. The following text has been revised to read:

Of particular concern to this analysis is the NAS Alameda land that is being transferred to USFWS for use as a wildlife refuge as part of the ~~Don Edwards~~ San Francisco Bay National Wildlife Refuge Complex.

- 3-81: Paragraph 2, Sentence 3. The following text has been revised to read:

~~It is assumed that the USFWS will also develop a plan for managing the wildlife resources on the wildlife refuge.~~ Letters and background information from two previous Section 7 endangered species consultations with the USFWS were reviewed (USFWS, 1988a, 1985b). The USFWS issued a Draft Environmental Assessment and Comprehensive Conservation Plan for establishment and management of the Alameda National Wildlife Refuge in December 1998. The EIR describes these documents on pages 3-100 and 3-101.

- 3-83: Figure 3-7 has been revised to include the grassland areas shown in Figure 5 of the Fish and Wildlife Service's Draft Comprehensive Conservation Plan. The revised graphic is shown on the following page.



Most of the habitat types at NAS Alameda/FISC Alameda are developed areas. The wetlands, paved airfield, and breakwaters at the proposed USFWS wildlife refuge provide nesting, roosting and haul-out sites for wildlife.

LEGEND:

- ① Grassland
- ① Grassland (surveyed and determined to not be jurisdictional wetland)
- ② Wetlands
- ③ Open Water

- ④ Rock Breakwaters and Riprap
- ⑤ Airfield (Paved)
- ⑥ Landscaped/Developed
- ⑦ Intensively Developed

- NAS Alameda Surplus Property Boundary
- FISC Alameda Property Available for Disposal Boundary
- Federal Agency Transfer Property Boundary

Habitat Types

NAS Alameda/FISC Alameda
Alameda, California

Figure 3-7

- 3-86: Paragraph 1. The following text has been revised to read:

The West Beach Landfill Wetland and the Runway Wetland provide birds with nesting, roosting, and foraging areas in the marsh vegetation, exposed bare ground, and aquatic and mudflat habitats. Caspian terns (*Sterna caspia*) have nested at the West Beach Landfill Wetland. The Caspian tern nesting colony, ~~consisting of up to approximately 1,020 pairs from April to July,~~ is of regional importance because this species nests at only a few other locations in California (Bailey 1994). In addition, at one time the West Beach Landfill Wetland at the USFWS wildlife refuge ~~may contained~~ as much as 75 percent of the central California breeding population of Caspian terns (US Navy 1993d; Bailey 1994). This Caspian tern colony in some years appears to be the largest Caspian tern colony on the West Coast of North America.

The number of Caspian terns nesting at the West Beach Landfill appears to have declined over the past few years. According to the Draft Comprehensive Conservation Plan for the Alameda National Wildlife Refuge (USFWS, 1998a), a maximum of 285 pairs were counted during the 1997 breeding season. In 1999, approximately 100 terns (fewer than 20 pairs) have been observed (Doug Pomeroy, personal communication). The exact cause of this decline is unknown, but maybe associated with harassment by California and western gulls or encroachment by vegetation.

- 3-88: Paragraph 3. The following text has been revised to read:

Harbor seals use the tip of Breakwater Island as a haul-out site, ~~and their pups are born and nursed at these sites and they may use it for giving birth to pups (Feeney 1996).~~

- 3-89: Paragraph 4, Sentences 1 and 2. The following text has been revised to read:

Typical urban wildlife, such as ~~feral cats (*Felis catus*)~~, California ground squirrels, scrub jays, and American robins, may be observed in the intensively developed areas but to a lesser extent than in the landscaped or developed areas because less foraging habitat is available in these areas. Feral cats (*Felis catus*) are also found in the intensively developed areas and all other terrestrial habitats.

- 3-94: Paragraph 1, Sentence 4. The following text has been revised to read:

The colony was one of the major reasons for the USFWS's request for transfer of a portion of NAS Alameda/FISC Alameda to become part of the ~~Don Edwards~~ San Francisco Bay National Wildlife Refuge Complex.

- 3-97: Paragraph 1, Last Sentence.

While NAS Alameda does include these land types, none of them are immediately adjacent to the least tern colony. Currently, none of the areas at the NAS Alameda that surround the California least tern colony are of these land use types.

- 3-128: Paragraph 6. The following text has been revised to read:

The seaplane lagoon was dredged to 15 feet (5 m) below NGVD in the 1940s (US Navy 1938d). ~~There has been no dredging of the seaplane lagoon in the recent past. A portion of the lagoon was also dredged in 1981, when the Navy sought to increase its depth for the purposes of diver training. Approximately 21,000 cubic yards were removed and placed at the Site 2 landfill.~~

- 3-133: Figure 3-15 is revised as shown on the following pages.

- 3-136: Paragraph 1, Sentence 3. The following text has been revised to read:

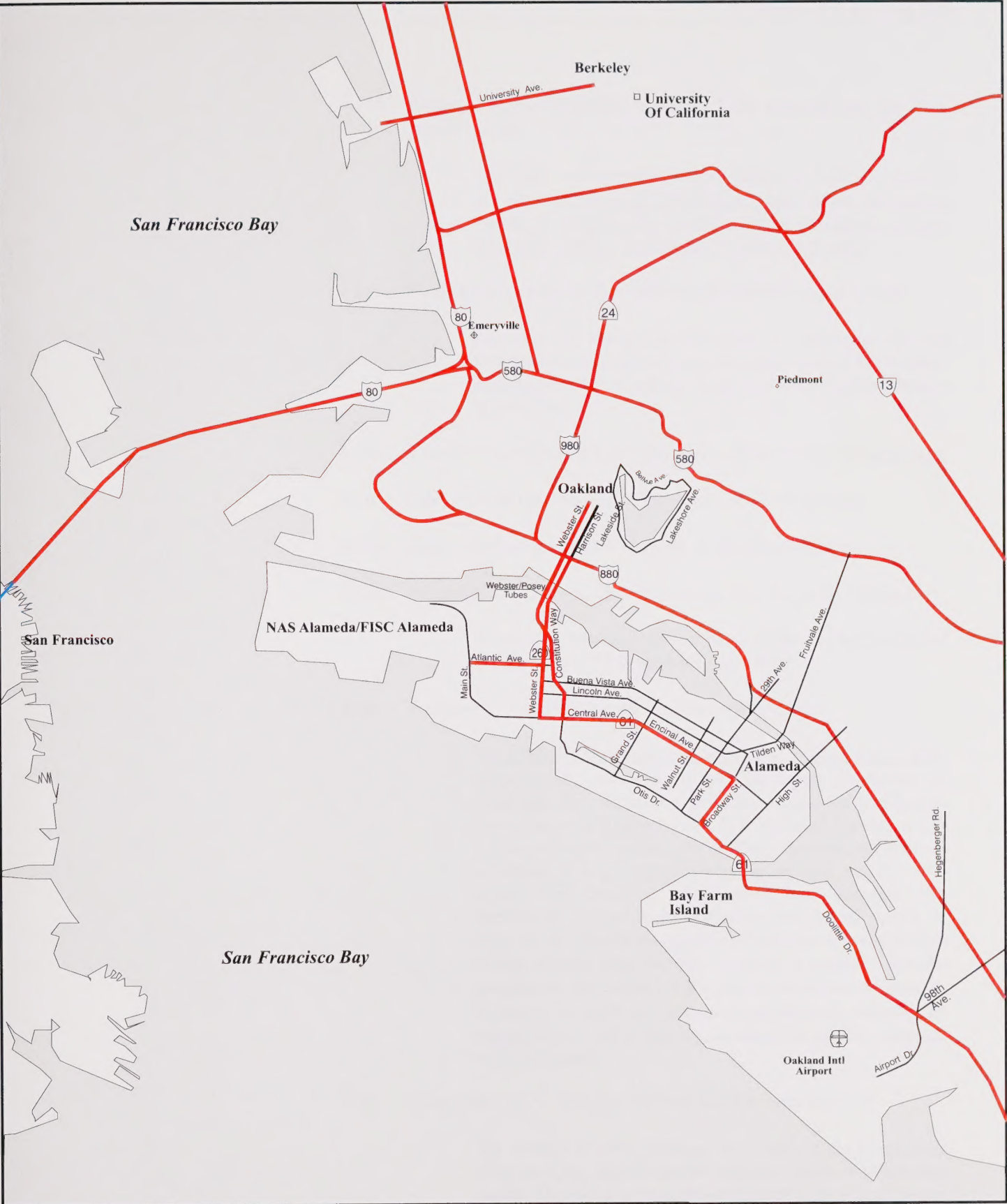
In 1990 ~~Furthermore~~, the 5th Street southbound I-880 on-ramp ~~was is~~ one of the highest volume ramps along I-880 in Oakland carrying much of the Port of Oakland traffic destined for southbound I-880.

- 3-136: Paragraph 5, Sentence 1. The following text has been revised to read:

Ten ~~Nine~~ intersections in Alameda and 13 intersections in Oakland accessing NAS Alameda/FISC Alameda have been identified for analysis (Figure 3-16).

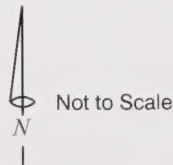
- 3-140: Paragraph 1. The following text has been revised to read:

Peak hour traffic volumes for NAS Alameda/FISC Alameda were extracted from the 1990 Countywide Transportation Model ~~CMA travel demand model~~. Based on this model, about 2,500 AM and 2,900 PM peak-hour trips were generated by the facility. Total daily traffic from NAS Alameda/FISC Alameda was estimated to be about 29,000 vehicles. The peak hours of travel did not occur during the usual peak hour times because military and civilian workshifts were staggered.



The Region of Influence for traffic and circulation includes Berkeley to the north and San Leandro to the south.

— MTS Routes



Regional Transportation System

NAS Alameda/FISC Alameda
Alameda, California

Figure 3-15

- 3-144: Paragraph 1, First Complete Sentence. The following text has been revised to read:

The CMA uses average speed to determine LOS on roadway segments in the LOS Monitoring Study which documents existing conditions. To determine future conditions, volumes are used to calculate LOS on MTS roadway segments.

- 3-144 Paragraph 3, Sentence 5. The following text has been revised to read:

The cities will address this declaration of “deficiency” through implementation of planned improvements ~~for the I-880 corridor including Broadway/Jackson ramps, under the Oakland Estuary Master Plan.~~

- 3-145: Table 3-13 has been exited and expanded as shown on the following page.

- 3-146: Table 3-14 has been changed as shown on the following pages.

- 3-151: Figure 3-19 has been revised as shown on the following pages.

- 3-154: Paragraph 4, Sentence 1. The following text has been revised to read:

A second southbound left-turn lane is planned to be constructed on Broadway at 5th Street during late 1998.

- 3-158: Paragraph 1. The following text has been revised to read:

The City of Alameda has not established a threshold for TSM effectiveness. According to an ITE report (Evaluation of Employee Trip Reduction Programs Based on California’s Experience with Regulation XV, ITE Technical Committee 6Y-51) trip reductions on the order of 10 to 15 percent or higher are achievable through aggressively promoted and executed site-specific trip reduction programs. Such programs can significantly reduce spot congestion and lessen delays at intersections, freeway ramps and arterial streets in the immediate vicinity of NAS Alameda/FISC Alameda in question. For the purpose of this analysis, a 10 percent reduction is assumed. However, in order to present a conservative analysis, no reductions for TSM are assumed in any of the analysis presented in this document.

- 3-160: Paragraphs 3 and 4. The following text has been revised to read:

The analysis of traffic impacts was based on the Countywide Transportation Model. ~~Alameda County CMA transportation model.~~ The model incorporates a representation of land use and demographic characteristics of the nine-county Bay Area, which

**Table 3-13
ROADWAY CHARACTERISTICS AND CAPACITY**

Roadway Segment	Facility Type	Number of Lanes (both directions, except as noted)	Directional Capacity (vehicles per lane)
Access Roadways - City of Alameda			
Atlantic Avenue	Arterial	4 lanes	800
Webster Street	Arterial	4 lanes (two-way north of Central Avenue)	800
Pacific Avenue (Main to 4 th)	Arterial	4 lanes with center left turn lane	800
Lincoln Avenue (east of 5 th)	Arterial	4 lanes with center left turn lane	800
Central Avenue	Arterial	4 lanes (2 lanes between Pacific/Old Main and Encinal High School)	800
Webster Street/Posey Tubes	Arterial	4 lanes total	1,720/1,700
Webster Street	Arterial	4 lanes (Commercial Street) ¹	800
Constitution Way	Arterial	4 lanes	800
Main Street	Arterial	4 lanes between NAS Alameda Main Gate and Pacific, 2 lanes between Pacific and Central	800
Mariner Square Loop	Collector	2 lanes	800
Mariner Square Drive	Collector	2 lanes	800
Access Roadways - City of Oakland			
Harrison Street	Arterial	3 lanes (one-way) ²	800
Webster Street	Arterial	3 lanes (one-way north of 7 th) ²	800
7 th Street	Arterial	3 lanes (one-way) ²	800
6 th Street	Arterial	2 lanes (one-way) ²	800
5 th Street	Arterial	3 lanes (one-way) ²	800
Jackson Street	Arterial	2 lanes	800
Broadway	Arterial	4 lanes	800
Brush Street	Collector	3 lanes	800
Freeways³			
I-80, I-580 to north of Berkeley	Freeway	8 lanes	17,600
I-80, I-80/I-580 to Toll Plaza	Freeway	8 lanes	17,600
I-880, I-980 to south of 98 th Avenue	Freeway	8 lanes	17,600
I-880, I-980 to I-80/I-580	Freeway	6 lanes	13,200
I-980, I-880 to I-580	Freeway	6 lanes	13,200
I-580, I-80 to I-980/SR 24	Freeway	8 lanes	17,600
SR 61, Doolittle Drive, Oakland City Limits to Otis Drive	State Route	4 lanes	8,000
SR 260, Webster Street, Central Avenue to 7 th Street (Posey/Webster Tubes)	State Route	4 lanes	7,000

Notes:

¹ Commercial arterial streets with high turnover parking tend to have less capacity than those without parking.

² The capacity values shown represent average roadway conditions. Because one-way streets adjust for anticipated pedestrian and parking frictional factors and tend to have higher capacities than two-way streets, using a lane capacity of 800 for one-way streets will result in a conservative estimate of impacts.

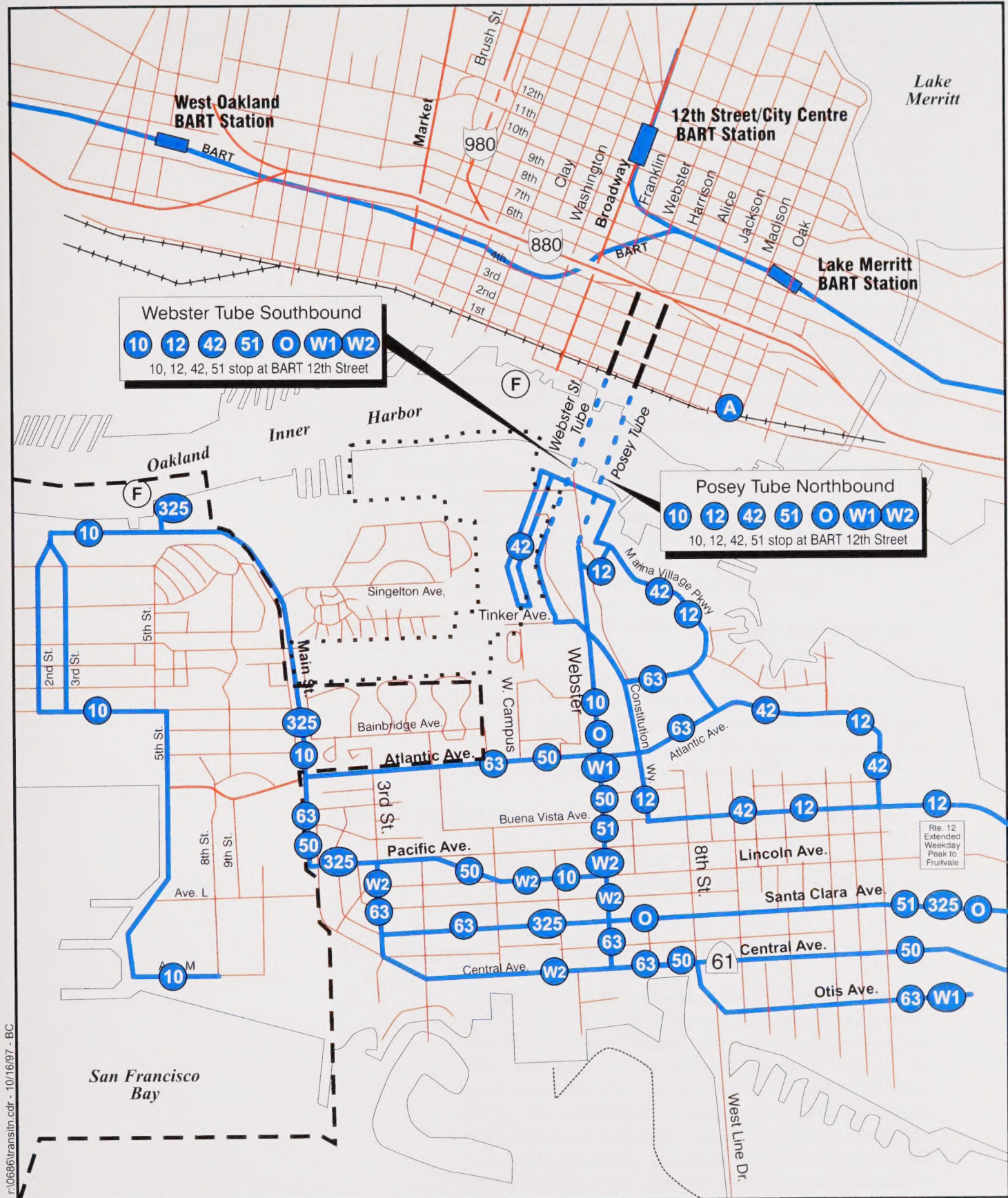
³ Freeway capacities based upon 2,200 vehicles per lane per hour. State Route capacities based upon 2,000 vehicles per lane per hour.

Source: ARRA 1996.

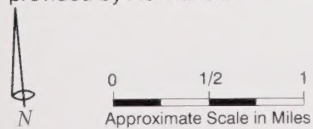
Table 3-14
1990 PEAK HOUR ROADWAY LEVELS OF SERVICE

Roadway Segment	AM Peak-hour Traffic Volume	PM Peak-hour Traffic Volume	Capacity	AM Peak-hour LOS and V/C Ratio	PM Peak-hour LOS and V/C Ratio
City of Alameda					
Westbound Atlantic Avenue	2,215	598	1,600	1.38 (F)	0.37 (A)
Eastbound Atlantic Avenue	482	1,520	1,600	0.30 (A)	0.95 (E)
Southbound Webster Street Tube	2,410	2,980	3,440	0.70 (C)	0.87 (D)
Northbound Posey Tube	2,650	2,270	3,440	0.77 (C)	0.67 (B)
City of Oakland					
Westbound 7 th Street (Oak to Jackson)	1,582	1,982	3,200	0.49 (A)	0.62 (B)
Westbound 6 th (I-880 off-ramp)	1,288	776	3,200	0.40 (A)	0.24 (A)
Eastbound 5 th Street (Harrison to Jackson)	1,141	622	800	1.43 (F)	0.78 (C)
<u>Eastbound 7th Street (Alice to Jackson)</u>	<u>1,582</u>	<u>1,982</u>	<u>1,600</u>	<u>0.99 (E)</u>	<u>1.24 (F)</u>
Northbound Harrison (6 th to 7 th)	2,214	1,756	2,400	0.92 (E)	0.73 (C)
<u>Southbound Jackson (7th to 6th)</u>	<u>1,088</u>	<u>1,281</u>	<u>1,600</u>	<u>0.68 (B)</u>	<u>0.80 (D)</u>
Southbound Webster (8 th to 7 th)	1,217	1,354	2,400	0.51 (A)	0.56 (A)

Source: ARRA 1996



Bus service to the project site is provided by AC Transit.



Source: Tetra Tech and Dowling Associates 1997

Transit Services

NAS Alameda/FISC Alameda
Alameda, California

Figure 3-19

allows it to produce travel demand forecasts that incorporate influences of regional travel demand on transportation facilities in Alameda County. The CountywideCMA model has been structured to provide forecasting detail that addresses the evaluation needs of both countywide and corridor-specific transportation strategies.

The CountywideCMA model was used as the basis for the study of traffic and circulation impacts because the assumptions in the model have been refined and agreed to on a regional basis. The land use assumptions contained in the year 2015 CountywideCMA model were developed by the Association of Bay Area Governments (ABAG) with input from local member jurisdictions on planned development.

3-178: Paragraph 4, Sentence 2. The following text has been revised to read:

Fuels, lubricants, paints, solvents, metal plating, solutions, alkaline cleaning compounds, radium, and other industrial chemicals, as well as ordnance, have been used throughout much of the history of NAS Alameda (US Navy 1995a).

3-185: Paragraph 2, Last Sentence. The following text has been revised to read:

The tank storage area at Structure 598 was deleted from Part B permit in 1996 because hazardous wastes were never stored at this unit (1998 Draft Base Realignment and Closure Report (BCP) for Structure 598 and IWTPs 5 and 24) (Letter from Bernie Edrada, DTSC, September, 26, 1995).

3-186: Paragraph 3, Sentence 4. The following text has been revised to read:

A closure plan for Building 5 was submitted and approved by DTSC; final closure was completed approved in February on June 9, 1999.

3-192: Paragraph 3. The following text has been revised to read:

Operable Unit 3. OU3 consists of the soil and groundwater at IRP Site 1 (the 1943-1956 Disposal Area) ~~and IRP Site 14 (the Fire Training Area)~~. The sites ~~are~~ is geographically isolated from other IRP sites. A presumptive remedy of capping and containment has been evaluated for the landfill. However, DTSC has discouraged consideration of such a remedy, preferring instead to pursue a focused approach to remediation of soil and groundwater contamination to render the site suitable for the intended reuse. Innovative treatment technologies are currently being tested to capture, contain, and treat contaminated groundwater that may migrate to San Francisco Bay at Site 1. Feasible remedies could likely include the

presumptive remedy components of capping and containment, or active remediation of contaminated groundwater.

3-193: Paragraph 5, Sentence 2. The following text has been revised to read:

A treatability study was initiated and a radiological investigation was completed in 1997 at IRP sites 1 and 2 as part of the 1997 RI. The treatability study is was completed—scheduled for completion in March 1999. In addition, a presumptive remedy of capping and containment was recommended for IRP Site 1 landfill in 1997 as well April 1999 with issuance of the draft FS for review and comment. The final OU RI reports associated with IRP Sites 1 and the draft OU RI report associated with Site 2 are were both expected to be released in early 2000. June and August 1999, respectively. Radiological removal action activities and ordnance removal in IR Sites 1 and 2 took place in 1998-99. The UXO Survey Report for Sites 1 and 2 has been completed. Additionally, UXO will be assessed in the OU3 FS.

3-194: Paragraph 4, Sentence 2. The following text has been revised to read:

~~Site 5 also has radioactive contamination in the underground drains~~ resulting from the former painting of radium instruments in buildings on-site was also found in the underground drains at Site 5. A radiological removal action was implemented at Building 5 (IR Site 5) and Building 400 (IR Site 10) in 1998-99 and is still ongoing.

3-194: Paragraph 5, Sentence 3. The following text has been revised to read:

A treatability study was initiated at IRP Site 4 in 1997 and a radiological investigation was completed at IRP Site 5 in 1997 as part of the 1997 RI. A treatability study to evaluate steam enhanced extraction of chlorinated hydrocarbons is currently underway at IR Site 5. The Navy is also planning to conduct a second treatability study at IRP Site 5 involving surfactant-enhanced removal of chlorinated solvents from the contaminated fill.

3-194: Paragraph 7. The following text has been revised to read:

~~The phase II EBS investigation has found that the contaminant concentrations are below the levels at which they would pose an unacceptable risk to human health or the environment.—~~The OU RI report was completed in February 1999.

3-195: Paragraph 1, Last Sentence. The following text has been revised to read:

PAHs and petroleum hydrocarbons have been detected in soil at the site and aromatic VOCs (including BTEX compounds) have

been observed in the ground water. In addition, petroleum hydrocarbons were documented in the storm drain system at IR Site 7 in 1999. The Navy implemented measures under the direction of the RWQCB to address this direct pathway to San Francisco Bay.

- 3-196: Paragraph 4, Last Sentence. The following text has been revised to read:

~~The phase II EBS investigation has found that the contaminant concentrations are below the levels at which they would pose an unacceptable risk to human health or the environment. The final OURI report associated with IRP Site 11 is expected to be released in August 1999.~~ has been delayed.

- 3-196: Paragraph 5, Sentence 3. The following text has been revised to read:

Groundwater on-site has been found to contain several VOCs and SVOCs. Conclusions about risks from such contaminants will be based on the final OURI report associated with IRP Site 12; however, the phase II EBS investigation has found that the contaminant concentrations are below the levels at which they would pose an unacceptable risk to human health or the environment.

- 3-197: Paragraph 2. The following text has been revised to read:

IRP Site 14 – Fire Training Area. IRP Site 14 is along the northern margin of the property, north of runway 7-25, ~~and is included in OU3. Originally included in OU3, Site 14 was moved to OU2.~~ ...A draft data summary report that ~~will include~~ includes contaminant contour figures ~~is scheduled for submittal was submitted~~ in mid-1999. The final OURI report associated with IRP Site 14 is expected to be released in ~~August 1999~~ March 2000.

- 3-214: Paragraph 3. The following text has been revised to read:

~~Mixed waste (waste that is both hazardous and contaminated with low level radioactivity) may exist in the landfill areas at IRP Sites 1 and 2, where disposal of radium-contaminated rags from the former dial painting shop has occurred. IRP Site 1 is located in Planning Area 6 in an area designated for golf course and open space use. The radiological removal action at Sites 1, 2, 5, and 10 at NAS Alameda was implemented in 1998 pursuant to the Remedial Action Plan prepared by the Navy (August 1998). The presence of more contamination than originally estimated may require modification of the RAP. Mixed waste has been generated as a result of commingled petroleum and radioactive wastes. Base closure may generate an additional small quantity of mixed waste.~~

3-216: Paragraph 1, Sentence 3. The following text has been revised to read:

Because..., IRP Site 1 and IRP Site 2, ~~has been scheduled to be~~
~~was~~ carried out ~~and completed in May during April through July~~
 1999 ~~when the RI report for OU3 was issued.~~

3-217: The following paragraph has been added to the end of Section 3.13.14.

The draft final FS is undergoing Navy review. The Navy is currently awaiting human health risk assessment information, which is to be included as an appendix to the document. Upon receipt of the HHRA and completion of the Navy's internal review, the FS will be updated and issued as a draft final to the regulatory agencies. Upon completion of regulatory review, the FS will be revised as appropriate and issued as a final document.

4-1: Paragraph 2, Last Sentence. The following text has been revised to read:

Impacts resulting from reuse of land being transferred to the USFWS ~~and the USCG~~ are addressed in Section 5.1, Cumulative Impacts. The effects of transfer or leaseback to the USCG of 69 acres (28 ha) of land in the Main Street Neighborhoods planning area of the Reuse Plan also is reflected in the cumulative impacts analysis. Either form of transfer would result in the same project impacts (none) inasmuch as no change in use is proposed for that property. Hence, the existing use of the 69 acres is included in the cumulative context for the reuse project for purposes of determining impacts.

4-50: Paragraph 2. The following text has been revised to read:

Mitigation 1: Prior to major demolition, a solid waste management plan containing programs and procedures to meet the requirements of the California Integrated Waste Management Act and Alameda County Measure D should be prepared and implemented. The plan should emphasize reusing and recycling solid waste, particularly construction and demolition debris. The plan shall also address project operation or a separate solid waste management plan specific to project operation shall be prepared. At a minimum, the plan should...

4-73: Paragraph 3. The following text has been revised to read:

Impact 1: A significant and mitigable impact would result from increased predation of the California least tern (loss of individuals and disruption of breeding) due to new development located adjacent to the wildlife refuge. The development of light industry soccer fields, and a golf course in the Northwest

planning area, ~~and the ball fields and other outdoor facilities in the Civic Core planning area, and increased development and human presence in the Marina area,~~ would place developed land uses ~~in this area~~ closer... and other predatory mammals.

- 4-74: Paragraph 1, Sentence 2. The following text has been revised to read:

For the purposes of this EIR, it is assumed that the Northwest Territories planning area may be developed adjacent to the boundary, provided that no buildings are constructed within the required buffer area between the proposed Refuge and the light industrial area, as stipulated in the mitigation measures described below.

- 4-74: Paragraph 1, Last Sentence. The following text has been revised to read:

~~Garbage cans, large trash receptacles, and uncontained litter attract crows, gulls, dogs, cats, skunks, and raccoons, which may then be attracted to tern eggs and chicks nearby (US Navy 1995b). Increased food availability from waste materials and garbage receptacles (i.e., garbage cans, large trash receptacles and uncontained litter) associated with light-industrial, golf course, and other recreational development, especially in the Northwest Territories and the Civic Core area, would likely attract and support larger small mammal populations, including rats, feral/domestic cats, skunks, and raccoons, and avian predators such as ravens, crows, and gulls, which could prey directly upon least terns and/or their eggs (US Navy 1995b).~~

- 4-74: Paragraph 2: The following text has been revised to read:

Increased night lighting associated with light industrial development and the sports complex (soccer and ball fields) in the Northwest Territories and Civic Core, and increased boating related development and use in the Marina area, could enhance the ability of nocturnal predators...to prey on terns.

- 4-74: Paragraph 3. The following text has been revised to read:

Mitigation 1: The potential for increased predation on California least terns...The USFWS would be responsible for managing predator control activities and protecting the least tern nesting site within the wildlife refuge. Outside of the wildlife refuge, the City of Alameda will be responsible for implementing predator management plans in cooperation with the refuge. Some predator management activities are described in Section 5.1, Cumulative Impacts.

- 4-74: Paragraph 3, Last Sentence. The following text has been revised to read:

In addition, other specific predator management activities ~~will be have been included when in the~~ USFWS ~~develops a plan~~ Comprehensive Conservation Plan for managing the wildlife refuge.

- 4-74: Paragraph 4, Sentence 1. The following text has been revised to read:

It is assumed in this EIR that upon transfer of the property to be used as a wildlife refuge, the USFWS would install a boundary barrier, such as a fence ~~or wall~~, between the Northwest Territories planning area and the wildlife refuge, to limit authorized human and domestic animal access into the refuge.

- 4-75: Paragraph 1, Sentence 1. The following text has been revised to read:

No buildings shall be constructed in the area within 200 feet from the northern boundary between the proposed Refuge and light industrial area, and a maximum of three (3) 20-foot high buildings may be constructed in the area between 200 to 300 feet from the Refuge/light industrial boundary. Beyond 300 feet from the Refuge boundary, Bbuildings in the proposed light industrial area...

- 4-75: Paragraph 1, Sentence 5. The following text has been revised to read:

Shrubs should be less than ~~45~~ 6 feet (~~5~~ 2m) in height...

- 4-75: Paragraph 2, Last Sentence. The following text has been revised to read:

Other lighting, including ~~L~~Lighting levels in the ball fields and the golf course, would be ~~similarly~~ limited as set forth in the terms and conditions of the BO.

- 4-75: Paragraph 4 Heading. The following heading has been revised to read:

Human Activity in the Northwest Territories, Civic Core and Marina Areas

- 4-75: Paragraph 4. Impact 2 has been revised to read:

A significant mitigable impact to the California least tern...in the Northwest Territories, Civic Core, and Marina planning areas. Under this alternative, there would be fewer access restrictions to all areas of NAS Alameda, ~~including the Northwest Territories planning area~~, than when the property was occupied by the Navy. Recreational use in ~~the Northwest Territories~~ all three planning areas would be expected to increase, as would the overall presence of people and domestic animals.

- 4-76: Paragraph 2, Sentence 2, has been revised to read:

In addition, it is assumed that upon transfer of the wildlife refuge, the USFWS would install a boundary barrier, such as a fence ~~or wall~~, between the Northwest Territories planning area and the wildlife refuge to limit unauthorized human and domestic animal access into the refuge.

- 4-78: Paragraph 2, Impact 5 has been revised to read:

A significant and mitigable impact would result from stormwater runoff from the golf course and paved areas especially in the Northwest Territories, Civic Core and Marina planning areas.

- 4-79: Paragraph 4. The following text has been removed:

~~*Human Activity in the Marina and Civic Core Planning Areas.* Human and domestic/feral animal access into the USFWS wildlife refuge from the Marina and Civic Core planning areas would not be a significant impact. Because the Marina and Civic Core planning areas are adjacent to the USFWS wildlife refuge and there would be few access restrictions to all areas of NAS Alameda/FISC Alameda, the presence of people and animals would be expected to increase. However, these planning areas are already developed under historic conditions and reuse would not be anticipated to result in a significant increase in the human and animal population. No mitigation would be required.~~

- 4-123: Second and third bullets. The following text has been revised to read:

~~*MTCMA network roadways and freeways operating at acceptable levels of service:*~~ The CMA has established LOS E as the standard for all roadways and freeways on MTC's ~~its~~ designated network. Therefore, traffic generated by an alternative would have a significant impact on traffic if it resulted in a ~~MTCCMA~~ roadway or freeway segment operating at LOS F.

~~*Freeway segments on MTCMA network operating at LOS F:*~~ Freeway segments part of the ~~MTCCMA~~ defined regional network operating at LOS F without reuse, would be adversely affected by any increase in traffic. For this analysis, an increase in the volume/capacity ratio of 0.03 at an existing LOS F condition would constitute a significant impact, since this increase would be perceived by the public. A less than 0.03 increase in the volume/capacity ratio would not be perceived by the public.

- 4-123: First full paragraph, 1st sentence. The following text has been revised to read:

The CMA LOS E standard does not apply to MTCMA network freeway segments operating at LOS F in 1991 (Alameda County Congestion Management Agency 1995).

4-125: Paragraph 4. The following text has been revised to read:

The regional transportation system was evaluated using the Countywide Transportation Model~~CMA travel demand model~~, which produces travel demand forecasts that incorporate influences of regional travel demand on transportation facilities in Alameda County. Appropriate data was input to the Countywide~~CMA~~ model to develop traffic forecasts for each reuse alternative. For the “future with project” scenarios, 2020 projected traffic volumes were applied to a 2010 transportation network using the Countywide~~CMA travel demand~~ model. Transportation conditions were analyzed assuming completion of the I-880 Cypress Freeway project between I-980 and I-80, which has occurred since the analysis was conducted. “Future without” NAS Alameda/FISC Alameda was used as the basis for the comparison between alternatives. See Appendix F, Traffic and Circulation, for complete ~~CMA~~ modeling results.

4-127: Paragraph 1. The following text has been revised to read:

Figure 4-3 illustrates the trip distribution patterns used to assign project traffic to the surrounding street system. Of the total peak hour trip generation, 14 percent of the AM and 23 percent of the PM trips were assigned to NAS Alameda. These trips were assumed to travel between activities within the base and not use any of the off-base external streets. A comparison of the trip distribution values for each alternative was made using the Countywide Transportation Model~~CMA model~~ outputs. In general, the distribution patterns did not change between alternatives. Therefore, the trip distribution values shown in Figure 4-3 were used for all of the alternatives.

4-127: Paragraph 2. The following text has been revised to read:

The Reuse Plan Alternative would generate about 10,300 AM and 10,956 PM peak-hour trips. The Reuse Plan Alternative would generate the highest level of peak-hour and daily traffic of any of the alternatives. Summaries of the LOS analysis and potentially significant intersection impacts are shown in Table 4-19. Freeway and local arterial street impacts produced from Countywide Transportation Model~~CMA model~~ results are shown in Table 4-20. Detailed peak hour volume and level of service details are included in Appendix F. The analysis includes completion of the Mitchell Mosley Extension and extension of Tinker Avenue with a connection at Webster Street and Constitution Way.

4-131: The following text in Table 4-19, Line 1, has been revised to read:

Atlantic Avenue/Main Street C 15.3 C 15.1 F (Exc.) D ~~35.1~~
37.2

4-132: Table 4-20 has been changed as shown on the following pages.

4-136: Mitigation 2a, Bullet 1. The following text has been revised to read:

- Create a position...preferential parking plans, financial incentive programs, guaranteed return trip programs, car and van pooling programs, bicycle and pedestrian programs, and the promotion and marketing activities;

4-138: Mitigation 3b. The following text has been revised to read:

The impact would ~~may~~ be mitigated by limiting traffic generated by the Reuse Plan Alternative to levels such that traffic from the Reuse Plan Alternative, together with cumulative traffic growth, would not cause traffic in the Webster/Posey tubes to exceed LOS E.

4-144: Table 4-23 has been revised as shown on the following pages.

4-151: Table 4-25 has been revised as shown on the following pages.

4-157: Table 4-27 has been revised as shown on the following pages.

4-202: Mitigation 2 has been revised to read:

The potential for human and ecological exposure to residual contamination is a significant impact that could be mitigated by ~~requiring developers~~ amending and/or adopting the City's zoning and/or other land development ordinances to require developers to implement some or all of the following measures as appropriate based on site conditions and the nature of the construction proposed:...

5-1: Paragraph 3, Last Sentence. The following text has been revised to read:

Local projects include the proposed uses on property at NAS Alameda/FISC Alameda that is being transferred to the USFWS and either transferred or leased to the USCG.

5-2: Table 5-1 has been corrected as shown on the following pages.

5-6: Figure 5-1 has been revised as shown on the following page.

Table 4-20
REUSE PLAN ALTERNATIVE FREEWAY AND ARTERIAL STREET LOS SUMMARY

Roadway Segment	Future Without Reuse Plan Alternative		Future With Reuse Plan Alternative	
	AM Peak Hour LOS (V/C)	PM Peak Hour LOS (V/C)	AM Peak Hour LOS (V/C)	PM Peak Hour LOS (V/C)
<i>Freeway Segments</i>				
I-80, I-580 to north of Berkeley	E (0.94) EB F (1.26) WB	F (1.13) EB E (0.98) WB	D (0.91) EB F (1.24) WB	F (1.16) EB E (0.97) WB
I-80, I-80/I-580 to Toll Plaza	F (1.05) EB F (1.11) WB	F (1.91) EB C (0.77) WB	F (1.08) EB F (1.10) WB	F (1.88) EB D (0.78) WB
I-880, I-980 to south of 98 th Avenue	F (1.02) NB E (0.95) SB	E (1.00) NB F (1.03) SB	E (0.94) NB E (0.93) SB	E (0.93) NB F (1.02) SB
I-880, I-980 to I-80/I-580	C (0.74) NB C (0.63) SB	B (0.51) NB C (0.74) SB	C (0.70) NB C (0.65) SB	C (0.59) NB C (0.73) SB
I-980, I-880 to I-580	B (0.38) NB C (0.63) SB	C (0.70) NB B (0.44) SB	B (0.37) NB C (0.65) SB	C (0.75) NB B (0.45) SB
I-580, I-80 to I-980/Hwy 24	F (1.25) NB D (0.82) SB	D (0.91) NB F (1.35) SB	F (1.25) NB D (0.85) SB	D (0.92) NB F (1.34) SB
<i>State Route Segments</i>				
SR 61, Doolittle Drive Oakland City Limits to Otis Drive	F (1.12) NB F (1.56) SB	F (1.74) NB F (1.36) SB	F (1.42) NB F (1.52) SB	F (1.75) NB F (1.63) SB
SR 61, Otis Drive Doolittle Drive to Broadway	A (0.58) EB A (0.50) WB	B (0.61) EB B (0.65) WB	A (0.53) EB C (0.73) WB	D (0.86) EB C (0.71) WB
SR 61, Broadway Otis Drive to Encinal Avenue	A (0.12) NB A (0.12) SB	A (0.09) NB A (0.15) SB	A (0.11) NB A (0.09) SB	A (0.12) NB A (0.14) SB
SR 61, Encinal Avenue Broadway to Central Avenue	A (0.19) EB A (0.19) WB	A (0.18) EB A (0.26) WB	A (0.19) EB A (0.25) WB	A (0.37) EB A (0.27) WB
SR 61, Central Avenue Encinal Avenue to Webster Street	A (0.02) EB A (0.07) WB	A (0.10) EB A (0.10) WB	A (0.03) EB A (0.13) WB	A (0.18) EB A (0.11) WB
SR 260, Webster Street Central Avenue to 7 th Street (Webster/Posey Tubes)	C (0.74) NB A (0.54) SB	B (0.61) NB D (0.84) SB	D (0.83) NB F (1.02) SB	F (1.17) NB F (1.03) SB
<i>Local Arterial Segments</i>				
Atlantic Avenue, Main to Webster	A (0.01) EB A (0.00) WB	A (0.22) EB A (0.32) WB	A (0.41) EB F (1.04) WB	F (1.38) EB D (0.87) WB
Park Street, Oakland Limits to SR 61	E (0.96) NB E (0.94) SB	F (1.19) NB F (1.28) SB	F (1.02) NB F (1.03) SB	F (1.29) NB F (1.37) SB
Santa Clara Avenue	A (0.60) EB A (0.56) WB	A (0.42) EB A (0.53) WB	A (0.55) EB D (0.89) WB	D (0.83) EB A (0.55) WB
Broadway, Santa Clara to Encinal	A (0.07) NB A (0.07) SB	A (0.20) NB A (0.26) SB	A (0.05) NB A (0.09) SB	A (0.16) NB A (0.23) SB
Park Avenue, SR 61 to Otis Drive	A (0.51) NB A (0.25) SB	A (0.55) NB A (0.59) SB	A (0.49) NB A (0.26) SB	A (0.52) NB A (0.59) SB
High Street, I-880 to SR 61	D (0.85) NB D (0.88) SB	F (1.04) NB E (0.92) SB	D (0.86) NB E (0.99) SB	F (1.23) NB E (0.94) SB

Notes:

V/C = volume to capacity ratio.
 EB = Eastbound; WB = Westbound.

Changes to this table (underline/~~strike through~~) are not explicitly shown in order to promote readability.

Source: Developed by Dowling Associates

Table 4-23
SEAPORT ALTERNATIVE FREEWAY AND ARTERIAL STREET LOS SUMMARY

Roadway Segment	Future Without Seaport Alternative		Future With Seaport Alternative	
	AM Peak Hour LOS (V/C)	PM Peak Hour LOS (V/C)	AM Peak Hour LOS (V/C)	PM Peak Hour LOS (V/C)
<i>Freeway Segments</i>				
I-80, I-580 to north of Berkeley	E (0.94) EB F (1.26) WB	F (1.13) EB E (0.98) WB	D (0.93) EB F (1.21) WB	F (1.14) EB E (0.96) WB
I-80, I-80/I-580 to Toll Plaza	F (1.05) EB F (1.11) WB	F (1.91) EB C (0.77) WB	F (1.07) EB F (1.10) WB	F (1.89) EB D (0.78) WB
I-880, I-980 to south of 98 th Avenue	F (1.02) NB E (0.95) SB	E (1.00) NB F (1.03) SB	F (1.05) NB D (0.91) SB	F (1.00) NB F (1.08) SB
I-880, I-980 to I-80/I-580	C (0.74) NB C (0.63) SB	B (0.51) NB C (0.74) SB	C (0.74) NB C (0.56) SB	B (0.52) NB C (0.73) SB
I-980, I-880 to I-580	B (0.38) NB C (0.63) SB	C (0.70) NB B (0.44) SB	B (0.38) NB C (0.63) SB	C (0.74) NB B (0.46) SB
I-580, I-80 to I-980/Hwy 24	F (1.25) NB D (0.82) SB	D (0.91) NB F (1.35) SB	F (1.23) NB D (0.87) SB	D (0.92) NB F (1.34) SB
<i>State Route Segments</i>				
SR 61, Doolittle Drive Oakland City Limits to Otis Drive	F (1.12) NB F (1.56) SB	F (1.74) NB F (1.36) SB	F (1.20) NB F (1.59) SB	F (1.79) NB F (1.49) SB
SR 61, Otis Drive Doolittle Drive to Broadway	A (0.58) EB A (0.50) WB	B (0.61) EB B (0.65) WB	A (0.53) EB B (0.62) WB	C (0.70) EB B (0.69) WB
SR 61, Broadway Otis Drive to Encinal Avenue	A (0.12) NB A (0.12) SB	A (0.09) NB A (0.15) SB	A (0.13) NB A (0.11) SB	A (0.08) NB A (0.14) SB
SR 61, Encinal Avenue Broadway to Central Avenue	A (0.19) EB A (0.19) WB	A (0.18) EB A (0.26) WB	A (0.20) EB A (0.22) WB	A (0.27) EB A (0.28) WB
SR 61, Central Avenue Encinal Avenue to Webster Street	A (0.02) EB A (0.07) WB	A (0.10) EB A (0.10) WB	A (0.03) EB A (0.09) WB	A (0.11) EB A (0.11) WB
SR 260, Webster Street Central Avenue to 7 th Street (Webster/Posey Tubes)	C (0.74) NB A (0.54) SB	B (0.61) NB D (0.84) SB	D (0.84) NB D (0.88) SB	F (1.04) NB F (1.00) SB
<i>Local Arterial Segments</i>				
Atlantic Avenue, Main to Webster	A (0.01) EB A (0.00) WB	A (0.22) EB A (0.32) WB	A (0.40) EB C (0.75) WB	F (1.18) EB C (0.76) WB
Park Street, Oakland Limits to SR 61	E (0.96) NB E (0.94) SB	F (1.19) NB F (1.28) SB	F (1.01) NB F (1.06) SB	F (1.30) NB F (1.32) SB
Santa Clara Avenue	A (0.60) EB A (0.56) WB	A (0.42) EB A (0.53) WB	A (0.55) EB B (0.69) WB	B (0.65) EB A (0.57) WB
Broadway, Santa Clara to Encinal	A (0.07) NB A (0.07) SB	A (0.20) NB A (0.26) SB	A (0.07) NB A (0.08) SB	A (0.03) NB A (0.08) SB
Park Avenue, SR 61 to Otis Drive	A (0.51) NB A (0.25) SB	A (0.55) NB A (0.59) SB	A (0.51) NB A (0.25) SB	A (0.56) NB A (0.57) SB
High Street, I-880 to SR 61	D (0.85) NB D (0.88) SB	F (1.04) NB E (0.92) SB	D (0.86) NB E (0.97) SB	F (1.16) NB E (0.96) SB

Notes:

V/C = volume to capacity ratio.

EB = Eastbound; WB = Westbound.

Source: Developed by Dowling Associates

Changes to this table (underline/~~strikethrough~~) are not explicitly shown in order to promote readability.

Table 4-25
RESIDENTIAL ALTERNATIVE FREEWAY AND ARTERIAL STREET LOS SUMMARY

Roadway Segment	Future Without Residential Alternative		Future With Residential Alternative	
	AM Peak Hour LOS (V/C)	PM Peak Hour LOS (V/C)	AM Peak Hour LOS (V/C)	PM Peak Hour LOS (V/C)
<i>Freeway Segments</i>				
I-80, I-580 to north of Berkeley	E (0.94) EB F (1.26) WB	F (1.13) EB E (0.98) WB	D (0.92) EB F (1.20) WB	F (1.13) EB E (0.97) WB
I-80, I-80/I-580 to Toll Plaza	F (1.05) EB F (1.11) WB	F (1.91) EB C (0.77) WB	F (1.06) EB F (1.11) WB	F (1.91) EB D (0.78) WB
I-880, I-980 to south of 98 th Avenue	F (1.02) NB E (0.95) SB	E (1.00) NB F (1.03) SB	F (1.06) NB E (0.95) SB	F (1.00) NB F (1.08) SB
I-880, I-980 to I-80/I-580	C (0.74) NB C (0.63) SB	B (0.51) NB C (0.74) SB	C (0.74) NB C (0.61) SB	B (0.53) NB C (0.74) SB
I-980, I-880 to I-580	B (0.38) NB C (0.63) SB	C (0.70) NB B (0.44) SB	B (0.40) NB C (0.66) SB	C (0.72) NB B (0.46) SB
I-580, I-80 to I-980/Hwy 24	F (1.25) NB D (0.82) SB	D (0.91) NB F (1.35) SB	F (1.23) NB D (0.85) SB	D (0.91) NB F (1.34) SB
<i>State Route Segments</i>				
SR 61, Doolittle Drive Oakland City Limits to Otis Drive	F (1.12) NB F (1.56) SB	F (1.74) NB F (1.36) SB	F (1.14) NB F (1.62) SB	F (1.82) NB F (1.43) SB
SR 61, Otis Drive Doolittle Drive to Broadway	A (0.58) EB A (0.50) WB	B (0.61) EB B (0.65) WB	A (0.53) EB B (0.62) WB	C (0.74) EB B (0.62) WB
SR 61, Broadway Otis Drive to Encinal Avenue	A (0.12) NB A (0.12) SB	A (0.09) NB A (0.15) SB	A (0.17) NB A (0.11) SB	A (0.08) NB A (0.19) SB
SR 61, Encinal Avenue Broadway to Central Avenue	A (0.19) EB A (0.19) WB	A (0.18) EB A (0.26) WB	A (0.18) EB A (0.20) WB	A (0.29) EB A (0.18) WB
SR 61, Central Avenue Encinal Avenue to Webster Street	A (0.02) EB A (0.07) WB	A (0.10) EB A (0.10) WB	A (0.04) EB A (0.08) WB	A (0.11) EB A (0.10) WB
SR 260, Webster Street Central Avenue to 7 th Street (Webster/Posey Tubes)	C (0.74) NB A (0.54) SB	B (0.61) NB D (0.84) SB	C (0.79) NB E (0.96) SB	F (1.10) NB D (0.93) SB
<i>Local Arterial Segments</i>				
Atlantic Avenue, Main to Webster	A (0.01) EB A (0.00) WB	A (0.22) EB A (0.32) WB	A (0.58) EB A (0.59) WB	F (1.09) EB D (0.85) WB
Park Street, Oakland Limits to SR 61	E (0.96) NB E (0.94) SB	F (1.19) NB F (1.28) SB	F (1.06) NB F (1.00) SB	F (1.30) NB F (1.31) SB
Santa Clara Avenue	A (0.60) EB A (0.56) WB	A (0.42) EB A (0.53) WB	B (0.63) EB B (0.67) WB	B (0.63) EB B (0.61) WB
Broadway, Santa Clara to Encinal	A (0.07) NB A (0.07) SB	A (0.20) NB A (0.26) SB	A (0.07) NB A (0.09) SB	A (0.03) NB A (0.08) SB
Park Avenue, SR 61 to Otis Drive	A (0.51) NB A (0.25) SB	A (0.55) NB A (0.59) SB	A (0.55) NB A (0.25) SB	A (0.54) NB A (0.57) SB
High Street, I-880 to SR 61	D (0.85) NB D (0.88) SB	F (1.04) NB E (0.92) SB	E (0.91) NB E (0.91) SB	F (1.12) NB E (0.98) SB

Notes:

V/C = volume to capacity ratio.

EB = Eastbound; WB = Westbound.

Changes to this table (underline/~~strike through~~) are not explicitly shown in order to promote readability.

Source: Developed by Dowling Associates

Table 4-27
REDUCED DENSITY ALTERNATIVE FREEWAY AND ARTERIAL STREET LOS SUMMARY

Roadway Segment	Future Without Reduced Density Alternative		Future With Reduced Density Alternative	
	AM Peak Hour LOS (V/C)	PM Peak Hour LOS (V/C)	AM Peak Hour LOS (V/C)	PM Peak Hour LOS (V/C)
<i>Freeway Segments</i>				
I-80, I-580 to north of Berkeley	E (0.94) EB F (1.26) WB	F (1.13) EB E (0.98) WB	D (0.93) EB F (1.20) WB	F (1.13) EB E (0.96) WB
I-80, I-80/I-580 to Toll Plaza	F (1.05) EB F (1.11) WB	F (1.91) EB C (0.77) WB	F (1.06) EB F (1.11) WB	F (1.90) EB D (0.78) WB
I-880, I-980 to south of 98 th Avenue	F (1.02) NB E (0.95) SB	E (1.00) NB F (1.03) SB	F (1.08) NB D (0.93) SB	F (1.00) NB F (1.07) SB
I-880, I-980 to I-80/I-580	C (0.74) NB C (0.63) SB	B (0.51) NB C (0.74) SB	C (0.75) NB C (0.59) SB	B (0.51) NB C (0.72) SB
I-980, I-880 to I-580	B (0.38) NB C (0.63) SB	C (0.70) NB B (0.44) SB	B (0.40) NB C (0.65) SB	C (0.74) NB B (0.46) SB
I-580, I-80 to I-980/Hwy 24	F (1.25) NB D (0.82) SB	D (0.91) NB F (1.35) SB	F (1.21) NB D (0.86) SB	D (0.92) NB F (1.34) SB
<i>State Route Segments</i>				
SR 61, Doolittle Drive Oakland City Limits to Otis Drive	F (1.12) NB F (1.56) SB	F (1.74) NB F (1.36) SB	F (1.21) NB F (1.59) SB	F (1.76) NB F (1.48) SB
SR 61, Otis Drive Doolittle Drive to Broadway	A (0.58) EB A (0.50) WB	B (0.61) EB B (0.65) WB	A (0.54) EB B (0.61) WB	B (0.68) EB B (0.68) WB
SR 61, Broadway Otis Drive to Encinal Avenue	A (0.12) NB A (0.12) SB	A (0.09) NB A (0.15) SB	A (0.11) NB A (0.07) SB	A (0.09) NB A (0.15) SB
SR 61, Encinal Avenue Broadway to Central Avenue	A (0.19) EB A (0.19) WB	A (0.18) EB A (0.26) WB	A (0.19) EB A (0.21) WB	A (0.26) EB A (0.19) WB
SR 61, Central Avenue Encinal Avenue to Webster Street	A (0.02) EB A (0.07) WB	A (0.10) EB A (0.10) WB	A (0.03) EB A (0.09) WB	A (0.11) EB A (0.10) WB
SR 260, Webster Street Central Avenue to 7 th Street (Webster/Posey Tubes)	C (0.74) NB A (0.54) SB	B (0.61) NB D (0.84) SB	D (0.80) NB D (0.82) SB	D (0.99) NB D (0.94) SB
<i>Local Arterial Segments</i>				
Atlantic Avenue, Main to Webster	A (0.01) EB A (0.00) WB	A (0.22) EB A (0.32) WB	A (0.27) EB A (0.55) WB	F (1.03) EB B (0.60) WB
Park Street, Oakland Limits to SR 61	E (0.96) NB E (0.94) SB	F (1.19) NB F (1.28) SB	E (1.00) NB F (1.02) SB	F (1.29) NB F (1.29) SB
Santa Clara Avenue	A (0.60) EB A (0.56) WB	A (0.42) EB A (0.53) WB	A (0.55) EB B (0.68) WB	B (0.62) EB A (0.53) WB
Broadway, Santa Clara to Encinal	A (0.07) NB A (0.07) SB	A (0.20) NB A (0.26) SB	A (0.07) NB A (0.08) SB	A (0.03) NB A (0.07) SB
Park Avenue, SR 61 to Otis Drive	A (0.51) NB A (0.25) SB	A (0.55) NB A (0.59) SB	A (0.52) NB A (0.26) SB	A (0.57) NB A (0.58) SB
High Street, I-880 to SR 61	D (0.85) NB D (0.88) SB	F (1.04) NB E (0.92) SB	D (0.86) NB D (0.89) SB	F (1.12) NB E (0.92) SB

Notes:

V/C = volume to capacity ratio.

EB = Eastbound; WB = Westbound.

Changes to this table (underline/~~strike through~~) are not explicitly shown in order to promote readability.

Source: Developed by Dowling Associates.

**Table 5-1
CUMULATIVE PROJECT LIST**

Project	Proximity to NAS Alameda	Project Size	Historical Uses	Project Description	Completion Date of Planning Document	Projected Completion Date	Historical Population	Projected Future Population	Net Population Change
USFWS Wildlife Refuge at NAS Alameda	Adjacent	525 acres of upland/375 acres of submerged land	Military	Develop wildlife refuge managed for protection of California least tern	In progress	Not yet known	N/A	N/A	N/A
USCG Housing Area at NAS Alameda	Adjacent	69 acres	Military	Use 582 residential units of Navy housing for Coast Guard personnel and dependents	In progress	Not yet known	1,300 to 1,800	1,300 to 1,800	0
Development of Transit Nodes in West End Neighborhood	0.5 miles	Less than one acre	Civilian	Develop corner transit nodes to integrate with NAS Alameda/FISC Alameda transit proposals	January 1996	2020	N/A	N/A	N/A
Redevelopment of Alameda Encinal Terminal	2 miles	Approximately 35 acres	Civilian marine terminal	360,000 square foot research and development facility	In progress	2002	N/A	N/A	N/A
Amphibious Bus Project	0 miles	Less than one acre at FISC	Military	Development of amphibious bus routes from FISC to Jack London Square, Oakland	In progress	1999	N/A	N/A	N/A
Expansion of the Marine Reserve Center, Alameda	2 miles	25,000 square feet	Military	25,000 square foot expansion to a 47,000 square foot facility	1993	1997	N/A	N/A	N/A
Buildout of Alameda General Plan	0 to 7 miles	Mostly small developments less than 100 acres, except for up to 5.2 million square feet for the Harbor Bay Business Park	Civilian urbanized; farming; fill area on Bay Farm Island	Development and infill of existing parcels and some redevelopment of existing urban area; Harbor Bay Business Park will be a major research and development center and include a conference hotel and retail development	1991	2010	74,139 in 1990	81,400 in 2010	7,261

Table 5-1
CUMULATIVE PROJECT LIST (continued)

	Proximity to NAS Alameda	Project Size	Historical Uses	Project Description	Completion Date of Planning Document	Projected Completion Date	Historical Population	Projected Future Population	Net Population Change
Buildout of Oakland Comprehensive Plan	Variable		Civilian-urbanized	Infill and redevelopment of urbanized areas	May 1998	2005	356,200 in 1998	370,900 in 2005	14,700
Oakland Estuary Policy Plan	0.25 to 1.5 miles	905 acres	Variable	Plan for future development along the Oakland Estuary.	1998 June 1999	Multiple 2015	457	1,857	1,400
City of Oakland, City Lofts and Paper Lofts	0.5 miles	<1 acre	Vacant and warehouse	Development of 105-126 residential loft units and retail spaces, and 10 live-work lofts.	1998 June 1999	Not yet approved Unknown	0	272	272
Fruitvale Transit Village	2.5 miles	<1 acre	Parking lot	Mixed use development at Fruitvale BART station including 15 residential units, commercial space, and civic uses.	1998	June 1999	0	30	30
Allegro Project	0.5 miles	<1 acre	Vacant and industrial	Development of 312 medium density residential units	1998	Not yet approved 1999	0	780	780
Port of Oakland Vision 2000 Program	0.25 to 1.5 miles	541 acres of FISC Oakland; additional acres for joint intermodal terminal facility	Port and rail facilities- military and civilian	Change to civilian use and provide major port and rail expansion. Site will become one of the three largest port facilities in the western United States. Possible rerouting of wastewater main between NAS Alameda to Oakland	July 1997 June 1999	2000	0	0	0
Port of Oakland Site B Project	0.5 miles	9 acres	Vacant and parking lot	Develop 250 to 300 medium-density residential units along the Oakland Inner Harbor, southeast of Alice Street	November 1996	December 1999	0	600 to 700	600 to 700
Port of Oakland Jack London Square Master Development Plan Phases I and II	0.5 miles	<1 acre (hotel site)	KTVU-2 TV station, Gallagher's restaurant, Jack London Village	Occupancy of vacant retail space along Water Street and ground floor of Washington Street Parking Garage along Embarcadero and development of mixed commercial uses	1998	Unknown	0	0	0

Table 5-1
CUMULATIVE PROJECT LIST (continued)

	Proximity to NAS Alameda	Project Size	Historical Uses	Project Description	Completion Date of Planning Document	Projected Completion Date	Historical Population	Projected Future Population	Net Population Change
Port of Oakland Jack London Square Marina	0.5 miles		Marina and public access	Moderate dredging and berth reconstruction, public access walkway between Jack London Village and Webster Street pier and new harbor master's office	January 1994	1999	0	0	0
Port of Oakland Recreational Boathouse	0.75 miles	1 acre	Recreational area at Estuary Park	Construct boathouse along Oakland Inner Harbor for storing, operating, and maintaining recreational watercraft for club and individual sports	Unknown	Unknown	0	0	0
Port of Oakland -42 Foot Dredging Project	Adjacent waters			Dredge Oakland Outer and Inner Harbor Channels from -38 feet MLLW to -42 feet MLLW	1994	1998	0	0	0
Corps/Port of Oakland -50 Foot Dredging Projects	Adjacent waters	Unknown		Dredge Oakland Outer and Inner Harbor Channels from -42 feet MLLW to -50 feet MLLW. Construct 1,500 foot turning basin near the Alameda Ferry Terminal.	In progress	2002	0	0	0
Port of Oakland Airport Terminal Expansion Projects	6 miles	2,662 acres	Airport	Construct air passenger terminals, air cargo facilities, support facilities, airside facilities, and landside access	In progress	2000-2010	0	0	0
Oakland Army Base	3 miles	422 acres	Military	Currently unknown civilian reuse of base	1998	Unknown	Unknown	Unknown	Unknown
Naval Station Treasure Island	3.5 miles	558.7 acres	Military	Reuse property for residential development, publicly-oriented uses (e.g. theme park, hotel), community services, and open space/recreation	1999	2010-2020	4,509 in 1990	Unknown	Unknown

Table 5-1
CUMULATIVE PROJECT LIST (continued)

	Proximity to NAS Alameda	Project Size	Historical Uses	Project Description	Completion Date of Planning Document	Projected Completion Date	Historical Population	Projected Future Population	Net Population Change
Hunters Point Naval Shipyard	3.5 miles	500 acres	Military	Reuse property for mixed-use development	1999	2025	No residential population since 1974	Unknown	Unknown
Caltrans Cypress Freeway Rebuilding	1 to 4 miles	Eight-lane freeway for approx. 2 miles	Freeway	Replace freeway destroyed by earthquake; new freeway, <u>six</u> eight lanes	1991	1998	0	0	0
<u>Safeway Reuse Project</u>	<u>0.5 miles</u>	<u>>1 acre</u>	<u>Commercial</u>	<u>46 residential and commercial spaces</u>	<u>Unknown</u>	<u>1999</u>	<u>0</u>	<u>115</u>	<u>115</u>
<u>311 Oak Street Project</u>	<u>0.5 miles</u>	<u>>1 acre</u>	<u>Unknown</u>	<u>220 residential and commercial spaces</u>	<u>Unknown</u>	<u>2000</u>	<u>0</u>	<u>550</u>	<u>550</u>
<u>Old Square Project – Phase II</u>	<u>0.5 miles</u>	<u>>1 acre</u>	<u>Unknown</u>	<u>80 residential and commercial</u>	<u>Unknown</u>	<u>Unknown</u>	<u>0</u>	<u>200</u>	<u>200</u>
<u>Swan's Market Project</u>	<u>0.5 miles</u>	<u>>1 acre</u>	<u>Unknown</u>	<u>42 residential and commercial spaces</u>	<u>Unknown</u>	<u>Unknown</u>	<u>0</u>	<u>105</u>	<u>105</u>

N/A: not applicable

- 5-7: Paragraph 2, Last Sentence. The following text has been revised to read:

Other uses may include compatible wildlife-oriented public uses, environmental education, and compatible economic uses (USFWS ~~1996b~~ Draft Environmental Assessment, December 1998).

- 5-7: Paragraph 3. The following text has been revised to read:

The USCG ~~has requested transfer~~ is pursuing leaseback of 582 residential units in a 69-acre (28 ha) area within the North Housing/Marina Village area of NAS Alameda to support its need for family housing.

- 5-8: Paragraph 2, Last Sentence. The following text has been revised to read:

For all the alternatives ~~except the Seaport Alternative~~, there would be beneficial effects from increased open space and shoreline access for the public.

- 5-10: Paragraph 1: The following text has been revised to read:

The USFWS wildlife refuge could provide additional regional recreational opportunity on-site, depending on the amount of public access permitted under the ~~forthcoming management plan~~ Comprehensive Conservation Plan for Establishment and Management of the Alameda National Wildlife Refuge in December 1998.

- 5-11: Paragraph 4, Sentence 2. The following text has been revised to read:

~~However,~~ Additional lighting to support crane operations at the Port of Oakland, ~~if not properly designed,~~ could ~~potentially~~ contribute to a cumulative increase in night lighting that could adversely affect the endangered California least tern and other wildlife species on NAS Alameda/FISC Alameda. However, assuming that it would be properly designed, per project specifications developed in consultation with the USFWS, additional lighting would not result in a significant cumulative impact.

- 5-13: Paragraph 4. The following text has been revised to read:

In addition, the Vision 2000 Program in combination with the Reuse Plan Alternative could increase stormwater contaminant discharges and the potential for contaminant spills that may adversely affect water quality in Oakland Inner Harbor and San Francisco Bay. Project-specific mitigation of implementing urban runoff management plans by the cities of Oakland and Alameda, together with other existing measures that are in place,

would could reduce this impact to a nonsignificant level. It is noted that the new Port of Oakland maintenance facilities are designed to capture runoff, including spills, and route them to the sanitary sewer for treatment, which minimizes runoff into the Estuary.

- 6-4: Under "Scoping - EIS/EIR". The following text has been revised to read:

The project mailing list, including agencies, organizations, and individuals that received scoping letters, is provided in ~~Appendix B~~Chapter 10.

- 6-6: Under "Scoping - EIR". The following text has been revised to read:

The project mailing list, including agencies, organizations, and individuals that received scoping letters, is provided in ~~Appendix B~~Chapter 10.

- 8-20: The following text has been added:

USFWS, 1998. *Draft Environmental Assessment and Comprehensive Conservation Plan for Establishment and Management of the Alameda National Wildlife Refuge*. December, 1998.

- 10-1: Top of page. The following text has been revised to read:

The following elected officials, agencies, organizations and individuals either received a copy or were notified of the availability of the DEIR document and where it could be accessed. In addition, this distribution list was used in the scoping processes.

- 10-2: The Distribution List has been modified as shown:

US Coast Guard	MLCP(s)	LCDR	Red	Smith
US Coast Guard	MLCP(s)	Environmental Engineer	Carol	Meyer
US Coast Guard	MLCP(s)	LCDR	Rob	Van de Loo

- 10-5: The Distribution List has been modified as shown:

CA Environmental Protection Agency	Dept. of Toxic Substances Control	Ms.	Mary Rose Susan	Cassa Jun
CA Environmental Protection Agency	Dept. of Toxic Substances Control, Office of Military Facilities	Mr.	Chen	Kao
CA Environmental Protection Agency	Dept. of Toxic Substances Control, Site Mitigation Program		Theresa	McGarry
CA Environmental Protection Agency	Office of Military Facilities—Reuse Rep.	Ms.	Diana	Peebler

4. REVISIONS TO THE DRAFT EIR TECHNICAL APPENDICES

Chapter 4 presents specific changes to the Technical Appendices of the Draft EIR that are being made to clarify any errors, omissions, or misinterpretation of discussion or findings in the Draft EIR.

APPENDIX B: PUBLIC INVOLVEMENT AND AGENCY LETTERS

The following letter from the City of Alameda to Reed W. Super regarding Baseline physical condition is added to Appendix B.



City of Alameda • California

November 16, 1998

Reed W. Super
1535 Mission Street
San Francisco, CA 94103

Re: Response to Comment Letter Regarding Baseline Physical
Conditions, Joint EIS/EIR for the Disposal and Reuse of Naval Air
Station Alameda (NAS) and the Fleet and Industrial Supply Center
Alameda Annex and Facility (FISC)

Dear Mr. Super:

Thank you for your comment letter, submitted on behalf of Arc Ecology, that was received by the Planning Department on August 11, 1998. As requested by Eve Bach at the August 11, 1998 hearing on the Joint EIS/EIR baseline physical conditions, I am providing a written response to the points raised in your letter.

1. Applicability of CEQA Guidelines Section 15229

CEQA Guidelines Section 15229 provides the CEQA lead agency with an alternative to the normal environmental baseline requirements in Section 15125 if the EIR for a military base reuse plan is "completed and certified within five years from the date that the federal record of decision was rendered." Guidelines § 15229(f); see Guidelines § 15125(b) (military base reuse plan EIRs are covered by the special baseline provisions in Section 15229). In your comment letter you state that CEQA Guidelines Section 15229 is not applicable to the Joint EIS/EIR for NAS/FISC because it will not be certified by October 1, 1998. The basis for your statement is an interpretation of Section 15229(f) which equates the language "federal record of decision" with the date of Congressional legislation closing NAS/FISC (October 1, 1993).

This interpretation of Section 15229 cannot be reconciled, however, with the plain language of either Section 15229 or Public Resources Code Section 21083.8.1, which is the statutory authorization for Section 15229. Inasmuch as Section 15229 refers to the "record of decision" as the trigger for the five-year time period in which to certify the

Planning Department

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Alameda, California 94501

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NAS Reuse EIR
Response to Comments
4-3

Letter to Super
November 16, 1998

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CEQA EIR, and no record of decision has yet been prepared for the “military base . . . closure or realignment and reuse,”¹ the statute and guidelines must be read as referring to the federal record of decision on the upcoming Joint EIS/EIR for the reuse plan in order to avoid rendering that language meaningless.

Such interpretation also is consistent with the intent of the Legislature in enacting Public Resources Code Section 21083.8.1. Indeed, the legislative history indicates that the measure’s proponents sought to “expedite preparation of the EIR by allowing it to more fully adopt the federal EIS. Currently, the Army and Navy use pre-closure conditions as the baseline for evaluating impacts of reuse in the EIS that they prepare for closing bases.” City of Vernon v. Bd. of Harbor Commissioners, 63 Cal.App.4th 677, 693 (1998) (quoting the analysis of the Senate Committee on Governmental Organization).

Hence, the City disagrees with your conclusion that the proper baseline physical conditions for the Joint EIS/EIR should be October 1, 1993 or February 27, 1996. As discussed below, the Joint EIS/EIR properly uses the baseline physical conditions present during the last year of full operation at NAS/FISC.

2. Baseline Physical Conditions Used in Joint EIS/EIR

CEQA strongly encourages the use of combined EIS/EIRs whenever possible. Pub. Res. Code § 21083.7; Guidelines § 15222. CEQA also permits the lead agency to use an EIS as an EIR to the extent that the EIS meets the substantive requirements for an EIR. Pub. Res. Code § 21083.5; Guidelines § 15221. Section 15229 reinforces these policies favoring utilization of existing environmental analysis in the context of military base closure. See, e.g., Guidelines § 15229 (“When preparing and certifying an EIR for a plan of reuse of a military base, including when utilizing an Environmental Impact Statement . . .”) and § 15229(a)(3)(A) (“ . . . specify particular physical conditions, if any, which it will examine in greater detail than were examined in the EIS”).

NEPA authorizes the use of the last year of full operation as the appropriate baseline physical conditions for an EIS. City of Vernon, 63 Cal.App.4th at 693 n.16 (citing Conservation Law Found., Inc. v. Busey, 79 F.3d 1250, 1266-67 (1st Cir. 1996)). In light of the Legislature’s clear preference for use of pre-existing federal documents or joint

¹ Pub. Res. Code § 21083.8.1(d)(3) and Guidelines § 15229(f) (emphasis added) .

Letter to Super
November 16, 1998

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federal/state environmental documents, it would be anomalous to interpret Section 15229 to prohibit the use of the same environmental baseline physical conditions routinely used pursuant to NEPA in the subsequent or companion EIR. Accordingly, Public Resources Code Section 21083.8.1 has recently been interpreted to allow the same baseline under CEQA as under NEPA. City of Vernon, 63 Cal.App.4th at 691-93; see also S. Committee on Governmental Organization, Staff Analysis of SB 1180 (1995) at 3 (the bill is based on the recommendations of the California Military Base Reuse Task Force that the “baseline for CEQA analysis shall be the fully operating military base, not the closed base”).

The Joint EIS/EIR uses the best available data consistent with the baseline physical conditions present during the last year of full operation at NAS/FISC. For many resource areas, the exact date of the data source is not critical as long as it can be demonstrated that the baseline data represent the conditions present during the last year of full operation. For example, public utility enhancements were discontinued at NAS/FISC once it was apparent that the base would be closed. Thus, it is irrelevant whether the data used in the Joint EIS/EIR is from 1993, 1994, 1995 or later since there have been no changes to the system that would impact capacity analysis.

The City does not agree with your comment regarding the date of the data sources used to describe the baseline physical conditions. While the City acknowledges your concern, the City does not believe that the differing dates presented in the notice for the baseline hearing should be interpreted as an unauthorized “mixing” of baselines that would lead to the conclusions that you outline in your letter. Whether or not the EIS/EIR uses a “mix” of data is not as important as whether the data is the best available for the representative time period (the last year of full operation). Moreover, Section 15229 itself provides for a mix of baseline conditions by its terms. The lead agency is required to address the current environmental conditions for hazardous or toxic wastes, substances and materials regardless of the date of base closure. Section 15229(d)(1).

3. Description of Baseline Physical Conditions

Your letter states that Section 15229 requires the City to “prepare proposed text describing baseline physical conditions . . . in effect, the City must draft the ‘environmental setting’ section of the EIR.” The City disagrees that Section 15229 contains this requirement; rather, Section 15229 specifically recognizes that the draft EIR, including the environmental setting section, will be written following the hearing on the baseline physical conditions. See Guidelines § 15229(b) (environmental setting section of EIR should identify the baseline physical conditions adopted at the public hearing). The

Letter to Super
November 16, 1998

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City believes that it fully complied with the provisions of Section 15229 by preparing the notification in which the proposed baseline physical conditions were identified, consulting with responsible and trustee agencies, and holding a public hearing on August 11, 1998.

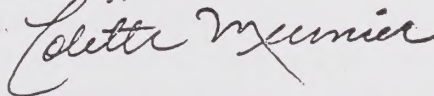
4. Cumulative Impacts Analysis

Although CEQA Guidelines Section 15229 does not address cumulative impacts, the City agrees with your statement concerning the scope of the cumulative impacts analysis in the Joint EIS/EIR. The cumulative impacts section will include development that has occurred since cessation of full operation of NAS/FISC.

CONCLUSION

The City of Alameda believes that it has met the requirements of CEQA Guidelines Section 15229, and intends to rely on this section in the preparation of the Joint EIS/EIR for the NAS/FISC reuse plan. I thank you again for your comments on the baseline analysis, and look forward to your participation in the EIS/EIR review process.

Sincerely,



Colette Meunier, AICP
Planning Director

xc: Eve Bach, Arc Ecology
Dave Ryan, EFAWest
Jerry Hemstock, EFAWest
Tom Leaf, Tetra Tech, Inc.
David Clore, Brady/LSA
Rajeev Bhatia, Dyett-Bhatia
City Manager
Deputy City Manager
City Attorney
Executive Director, ARRA

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file: NAS Conversion - EIS/EIR Baseline Hearing

APPENDIX F: TRAFFIC AND CIRCULATION

TOC: The following tables are added to the list of tables in the Table of Contents:

<u>Table F-12</u>	<u>Trip Generation Rates</u>
<u>Table F-13</u>	<u>Reuse Plan Alternative, Impacted Intersection LOS After Mitigation</u>
<u>Table F-14</u>	<u>Reduced Density Alternative, Impacted Intersection LOS After Mitigation</u>
<u>Table F-15</u>	<u>Residential Alternative, Impacted Intersection LOS After Mitigation</u>
<u>Table F-16</u>	<u>Seaport Alternative, Impacted Intersection LOS After Mitigation</u>
<u>Table F-17</u>	<u>Illustrative Scenario, Impacted Intersection LOS After Mitigation Improvements</u>

Tables F-12 through F-17 are shown on the following pages:

Table F-12
TRIP GENERATION RATES
NAS Alameda Disposal and Reuse EIS

	Source	ADT Rate	AM Peak	In	Out	PM Peak	In	Out
Marine Terminal	ITE (010)	171	16	0.4	0.6	14	0.47	0.53
General Light Industrial (110)	ITE (110)	6.97	0.92	0.83	0.17	0.98	0.12	0.88
Single-Family Detached Housing	ITE (210)	9.55	0.74	0.26	0.74	1.01	0.65	0.35
Apartment	ITE (220)	6.47	0.51	0.17	0.83	0.63	0.68	0.32
Rooms	ITE (310)	8.70	0.657	0.60	0.40	0.76	0.54	0.46
Campgrounds/RV Park	ITE (416)	74.38	6.00	0.35	0.65	12.00	0.65	0.35
Marina	ITE (420)	2.96	0.08	0.33	0.67	0.19	0.60	0.40
Golf Course	ITE (430)	37.59	3.22	0.83	0.17	3.36	0.52	0.48
Recreational Community Center	ITE (495)	27.00	1.08	0.62	0.38	1.38	0.28	0.72
Elementary School	ITE (520)	10.72	2.74	0.60	0.40	2.49	0.56	0.44
University/College	ITE (550)	9.13	0.73	0.82	0.18	0.88	0.29	0.71
General Office Building	ITE (710)	16.58	2.22	0.89	0.11	2.24	0.17	0.83
Research and Development Center	ITE (760)	7.70	1.23	0.83	0.17	1.07	0.15	0.85
Regional Park (undeveloped)	SANDAG (1) 6/91	5.00	0.20	0.60	0.40	0.40	0.50	0.50
City Park (developed)	SANDAG (2) 6/91	50.00	2.00	0.60	0.40	4.00	0.50	0.50
Regional Park (developed)	SANDAG (3) 6/91	20.00	0.80	0.60	0.40	1.60	0.50	0.50
Commercial Shops (also strip commercial)	SANDAG (4) 6/91	40.00	1.20	0.60	0.40	3.60	0.50	0.50
Caretaker Uses	DA	652.00	163.0	163.0	0.00	163.00	0.00	163.00

Source: Institute of Transportation Engineers, *Trip Generation*, 5th Edition.
San Diego Association of Governments, *San Diego Traffic Generators*, 6/91.

Table F-13
REUSE PLAN ALTERNATIVE
IMPACTED INTERSECTION LOS AFTER MITIGATION

Analysis Intersection	Mitigated Conditions			
	AM Peak Hour		PM Peak Hour	
	LOS	Delay ¹	LOS	Delay ¹
<i>City of Alameda</i>				
Atlantic Avenue/Main Street	C	19.6	C	19.0
Atlantic Avenue/West Campus	B	5.6	B	10.8
Atlantic Avenue/Webster Street	D	35.1	C	20.8
Atlantic Avenue /Constitution Way	C	22.2	C	23.5
Pacific Avenue/Main Street	B	12.9	B	6.1
Lincoln Avenue/Webster Street	B	10.2	C	19.9
Lincoln Avenue/8 th Avenue	C	17.1	C	18.3
Central Avenue/Webster Street	C	19.0	C	20.4
Central Avenue/8 th Avenue	C	16.8	D	27.3
Constitution Way/Marina Village Pkwy.	C	18.5	D	15.4
Tinker Avenue at Webster Street	C	21.1	D	38.0
<i>City of Oakland</i>				
Oak Street/5 th I-80 on-ramp	B	9.0	D	27.4
Oak Street/6 th I-80 off-ramp	B	8.4	B	11.0
Jackson Street/7 th Street	C	21.2	C	19.9
Jackson Street/6 th Street	B	7.5	D	25.0
Jackson Street/5 th Street	C	17.9	B	14.2
Harrison Street/8 th Street	B	14.3	B	12.4
Harrison Street/7 th Street	B	7.6	B	11.8
Webster Street/8 th Street	C	17.1	B	12.5
Webster Street/7 th Street	D	37.3	B	14.6
Broadway/5 th Street	C	20.0	C	22.0
Brush Street/12 th Street	A	3.1	B	10.5
Brush Street/11 th Street	B	6.2	B	7.8
Brush Street/5 th Street	C	17.2	B	11.6

Notes:¹ Delay in seconds.² Indicates significant and mitigable impact

(Exc.) = Excessive delay. Volume to capacity ratio exceeds 1.2; therefore, the delay values are not meaningful.

Source: Dowling Associates,

Table F-14
REDUCED DENSITY ALTERNATIVE
IMPACTED INTERSECTION LOS AFTER MITIGATION

Analysis Intersection	Mitigated Conditions			
	AM Peak Hour		PM Peak Hour	
	LOS	Delay ¹	LOS	Delay ¹
<i>City of Alameda</i>				
Atlantic Avenue/Main Street	B	17.3	C	15.5
Atlantic Avenue/West Campus				
Atlantic Avenue/Webster Street	C	18.4	C	19.9
Atlantic Avenue /Constitution Way				
Pacific Avenue/Main Street				
Lincoln Avenue/Webster Street				
Lincoln Avenue/8 th Avenue				
Central Avenue/Webster Street	C	18.2	C	19.6
Central Avenue/8 th Avenue				
Constitution Way/Marina Village Pkwy.				
Tinker Avenue at Webster Street	B	7.1	B	12.4
<i>City of Oakland</i>				
Oak Street/5 th I-80 on-ramp				
Oak Street/6 th I-80 off-ramp				
Jackson Street/7 th Street				
Jackson Street/6 th Street				
Jackson Street/5 th Street				
Harrison Street/8 th Street				
Harrison Street/7 th Street	B	7.9	B	11.9
Webster Street/8 th Street				
Webster Street/7 th Street				
Broadway/5 th Street				
Brush Street/12 th Street				
Brush Street/11 th Street				
Brush Street/5 th Street				

Notes:¹ Delay in seconds.² Indicates significant and mitigable impact

(Exc.) = Excessive delay. Volume to capacity ratio exceeds 1.2; therefore, the delay values are not meaningful.

Source: Dowling Associates

Table F-15
RESIDENTIAL ALTERNATIVE
IMPACTED INTERSECTION LOS AFTER MITIGATION

Analysis Intersection	Mitigated Conditions			
	AM Peak Hour		PM Peak Hour	
	LOS	Delay ¹	LOS	Delay ¹
<i>City of Alameda</i>				
Atlantic Avenue/Main Street	C	18.0	C	18.8
Atlantic Avenue/West Campus				
Atlantic Avenue/Webster Street	C	20.8	C	23.2
Atlantic Avenue /Constitution Way				
Pacific Avenue/Main Street				
Lincoln Avenue/Webster Street				
Lincoln Avenue/8 th Avenue				
Central Avenue/Webster Street	C	17.5	C	19.6
Central Avenue/8 th Avenue				
Constitution Way/Marina Village Pkwy.				
Tinker Avenue at Webster Street	B	12.0	C	23.8
<i>City of Oakland</i>				
Oak Street/5 th I-80 on-ramp				
Oak Street/6 th I-80 off-ramp				
Jackson Street/7 th Street				
Jackson Street/6 th Street				
Jackson Street/5 th Street				
Harrison Street/8 th Street				
Harrison Street/7 th Street	B	7.5	B	11.9
Webster Street/8 th Street				
Webster Street/7 th Street				
Broadway/5 th Street				
Brush Street/12 th Street				
Brush Street/11 th Street				
Brush Street/5 th Street				

Notes:¹ Delay in seconds.² Indicates significant and mitigable impact

(Exc.) = Excessive delay. Volume to capacity ratio exceeds 1.2; therefore, the delay values are not meaningful.

Source: Dowling Associates

Table F-16
SEAPORT ALTERNATIVE
IMPACTED INTERSECTION LOS AFTER MITIGATION

Analysis Intersection	Mitigated Conditions			
	AM Peak Hour		PM Peak Hour	
	LOS	Delay ¹	LOS	Delay ¹
<i>City of Alameda</i>				
Atlantic Avenue/Main Street	C	18.3	C	17.7
Atlantic Avenue/West Campus				
Atlantic Avenue/Webster Street	C	19.3	C	22.3
Atlantic Avenue /Constitution Way				
Pacific Avenue/Main Street				
Lincoln Avenue/Webster Street				
Lincoln Avenue/8 th Avenue				
Central Avenue/Webster Street	C	18.1	C	19.5
Central Avenue/8 th Avenue				
Constitution Way/Marina Village Pkwy.				
Tinker Avenue at Webster Street	B	10.7	D	29.0
<i>City of Oakland</i>				
Oak Street/5 th I-80 on-ramp				
Oak Street/6 th I-80 off-ramp				
Jackson Street/7 th Street				
Jackson Street/6 th Street				
Jackson Street/5 th Street				
Harrison Street/8 th Street				
Harrison Street/7 th Street	B	7.7	B	11.9
Webster Street/8 th Street				
Webster Street/7 th Street				
Broadway/5 th Street				
Brush Street/12 th Street				
Brush Street/11 th Street				
Brush Street/5 th Street				

Notes:¹ Delay in seconds.² Indicates significant and mitigable impact

(Exc.) = Excessive delay. Volume to capacity ratio exceeds 1.2; therefore, the delay values are not meaningful.

Source: Dowling Associates,.

Table F-17
ILLUSTRATIVE SCENARIO
IMPACTED INTERSECTION LOS AFTER MITIGATION

Analysis Intersection	Mitigated Conditions			
	AM Peak Hour		PM Peak Hour	
	LOS	Delay ¹	LOS	Delay ¹
<i>City of Alameda</i>				
Atlantic Avenue/Main Street	C	16.9	C	19.3
Atlantic Avenue/West Campus	A	3.2	A	3.9
Atlantic Avenue/Webster Street	C	15.4	C	18.3
Atlantic Avenue /Constitution Way	C	18.8	C	20.4
Pacific Avenue/Main Street	B	9.4	A	3.7
Lincoln Avenue/Webster Street	B	9.6	B	13.5
Lincoln Avenue/8 th Avenue	C	17.1	C	17.8
Central Avenue/Webster Street	C	18.1	C	18.9
Central Avenue/8 th Avenue	C	17.0	D	28.8
Constitution Way/Marina Village Pkwy.	C	18.3	C	15.2
Tinker Avenue at Webster Street	B	9.2	D	35.0
<i>City of Oakland</i>				
Oak Street/5 th I-80 on-ramp	B	9.5	C	19.5
Oak Street/6 th I-80 off-ramp	B	8.5	B	11.3
Jackson Street/7 th Street	B	13.5	B	14.5
Jackson Street/6 th Street	B	6.6	C	18.3
Jackson Street/5 th Street	B	10.7	B	14.3
Harrison Street/8 th Street	B	12.1	B	11.1
Harrison Street/7 th Street	B	7.9	B	11.9
Webster Street/8 th Street	B	12.7	B	12.2
Webster Street/7 th Street	B	12.8	B	13.7
Broadway/5 th Street	D	39.8	D	35.0
Brush Street/12 th Street	A	3.1	B	10.5
Brush Street/11 th Street	A	4.9	B	7.8
Brush Street/5 th Street	B	13.4	B	11.7

Notes:

¹ Delay in seconds.

² Indicates significant and mitigable impact

(Exc.) = Excessive delay. Volume to capacity ratio exceeds 1.2; therefore, the delay values are not meaningful.

Source: Dowling Associates

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